

TO: Freedom of Information Commission
FROM: Russell Blair
RE: Minutes of the Commission's regular meeting of January 22, 2025

A regular meeting of the Freedom of Information Commission was held on January 22, 2025. The Commission meeting of January 22, 2025 was conducted in person. The meeting convened at 2:09 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding
Commissioner Jonathan J. Einhorn
Commissioner Kate Farrish
Commissioner Judith Ganswindt (participated via speakerphone)
Commissioner Aigné Goldsby Wells
Commissioner Christopher P. Hankins
Commissioner Thomas A. Hennick
Commissioner Matthew Streeter

Also present were staff members Colleen M. Murphy, Paula S. Pearlman, Valicia D. Harmon, Danielle L. McGee, Mary-Kate Smith, C. Zack Hyde, Nicholas A. Smarra, Marybeth G. Sullivan, Paul V. Arce, Jennifer Mayo and Russell Blair.

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of January 8, 2025.

Those in attendance were informed that the January 22, 2025 regular meeting of the Commission was being recorded.

[Docket #FIC 2024-0094](#) Michael Ward v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

Michael Ward appeared on his own behalf. Attorney Kimberly Zigich appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2024-0096](#) Michael Ward v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

Michael Ward appeared on his own behalf. Attorney Kimberly Zigich appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2024-0111](#) Cordious Wilson v. Chief, Police Department, City of New Haven; Police Department, City of New Haven; and City of New Haven

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2024-0206](#) Andres Sosa v. Angel Quiros, Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Andres Sosa appeared on his own behalf. Attorney Jennifer Lepore appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2024-0064](#) Maria Pereira v. Aidee Nieves, President, City Council, City of Bridgeport; City Council, City of Bridgeport; Miscellaneous Matters Committee, City Council, City of Bridgeport; and City of Bridgeport

Attorney Jonathan Klein appeared on behalf of the complainant. Attorney Michael Jankovsky appeared on behalf of the respondents. The Commissioners passed over the item temporarily. The Commissioners voted 7-0 to amend the Hearing Officer's Report. The Commissioners voted 7-0 to adopt the Hearing Officer's Report as amended*. Commissioner Ganswindt was not present for the votes. The proceedings were digitally recorded.

[Docket #FIC 2024-0072](#) Jacques Parenteau v. Director of Public Records, State of Connecticut, University of Connecticut; and State of Connecticut, University of Connecticut

Attorney Claire Howard appeared on behalf of the complainant. Attorney Joseph Smiga appeared on behalf of the respondents. The Commissioners unanimously voted to amend the Hearing Officer's Report. The Commissioners unanimously voted to adopt the Hearing Officer's Report as amended.* The proceedings were digitally recorded.

[Docket #FIC 2024-0077](#) Todd Steigman v. Commissioner, State of Connecticut, Department of Agriculture; and State of Connecticut, Department of Agriculture

Attorney Carole Briggs appeared on behalf of the respondents. The Commissioners voted 7-0 to amend the Hearing Officer's Report. The Commissioners voted 7-0 to amend the Hearing Officer's Report for a second time. The Commissioners voted 7-0 to adopt the Hearing Officer's Report as amended.* Commissioner Ganswindt was not present for the votes. The proceedings were digitally recorded.

[Docket #FIC 2024-0084](#)

Suzanne Irwin v. Chair, Kent Memorial Library Commission, Town of Suffield; Kent Memorial Library Commission, Town of Suffield; and Town of Suffield

Suzanne Irwin appeared on her own behalf. Attorney Eric Duey appeared on behalf of the respondents. The Commissioners voted 7-0 to adopt the Hearing Officer's Report. Commissioner Ganswindt was not present for the vote. The proceedings were digitally recorded.

[Docket #FIC 2024-0099](#)

Thomas Green v. Superintendent of Schools, Windham Public Schools; and Windham Public Schools

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2024-0110](#)

Robert Hagar v. Chief, Police Department, City of Groton; Police Department, City of Groton; Keith Hedrick, Mayor, City of Groton; and City of Groton

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

The meeting was adjourned at 4:52 p.m.

/s/ Russell Blair

Russell Blair

AMENDMENTS*

Docket #FIC 2024-0064 Maria Pereira v. Aidee Nieves, President, City Council, City of Bridgeport; City Council, City of Bridgeport; Miscellaneous Matters Committee, City Council, City of Bridgeport; and City of Bridgeport

The Hearing Officer's Report is amended as follows:

Committee Meeting of January 2, 2024

[11. The Commission has recognized that when a public agency adjourns a regular meeting to a specified time and place pursuant to §1-228, G.S., it also must comply with the notice requirements for a special meeting under §1-225(d), G.S. See, e.g., Docket #FIC 2002-063, *Herkimer v. Ridgeway, First Selectman, Town of Cornwall, et al.* (October 9, 2002) (respondents changed the venue of their regular meeting and appropriately filed a notice and agenda with the town clerk which met the notice requirements of §1-225(d), G.S., for a special meeting, yet failed to post a notice of adjournment on or near the door of the regular noticed meeting in violation of §1-228, G.S.); and Docket #FIC 94-346, *Wolf v. Windsor Housing Authority Board of Commissioners* (December 14, 1994) (respondent appropriately filed notice of a special meeting to continue a regular meeting's executive session and take up unfinished business, yet violated §1-228, G.S., for failing to post a notice of adjournment on or near the door of the place where the regular meeting was held).]

[12. Accordingly, it is found that the respondent committee's January 2, 2024 meeting was a special meeting subject to the requirements of §1-225(d), G.S.]

[13. Section 1-225(d), G.S., provides the following in relevant part:

Notice of each special meeting of every public agency [...] shall be posted not less than twenty-four hours before the meeting to which such notice refers on the public agency's Internet web site, if available, and given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof [...] in the office of the clerk of such subdivision for any public agency of a political subdivision of the state [...]. The secretary or clerk shall cause any notice received under this section to be posted in his or her office [...]. Such notice shall be given not less than twenty-four hours prior to the time of the special meeting [...] The notice shall specify the time and place of the special meeting and the business to be transacted. **No other business shall be considered at such meetings by such public agency.** In addition, such written notice shall be delivered to the usual place of abode of each member of the public agency so that the same is received prior to such special meeting. The requirement of delivery of such written notice may be dispensed with as to any member who at or

prior to the time the meeting convenes files with the clerk or secretary of the public agency a written waiver of delivery of such notice. Such waiver may be given by telegram. The requirement of delivery of such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. [...]]

[14. Based on the complainant's credible testimony, it is found that the respondent committee noticed its reconvened regular meeting of December 26, 2023 scheduled for January 2, 2024 at 6:00 p.m., by posting the notice and agenda on the city council's website on December 27, 2023, well before the minimum 24 hours preceding the special meeting as required by §1-225(d), G.S. It is further found that the complainant received a copy of such notice electronically as a city council member on December 27, 2023. (See Complainant's Exhibit H, notice and agenda for January 2, 2024 meeting.)¹]

[15.] **11.** It is found that such noticed agenda³ for the respondent committee's January 2, 2024 [special] meeting listed one action item, which the respondent committee voted upon at the meeting: Item #24-23: "Proposed Approval to update the job description of the classification of [the] Purchasing Agent pursuant to Civil Service Rule IX, Sec3."

[16.] **12.** It is found that the respondent committee also voted to add, and took action on, a second item that was not listed on the [special] meeting's noticed agenda: Item #20-23: "Resolution calling for an immediate de-escalation and permanent ceasefire in Israel, Gaza and the Occupied West Bank." (See Complainant's Exhibit I, minutes for January 2, 2024 [special] meeting.)

13. SECTION 1-225(C), G.S., STATES THE FOLLOWING IN RELEVANT PART: "UPON THE AFFIRMATIVE VOTE OF TWO-THIRDS OF THE MEMBERS OF A PUBLIC AGENCY PRESENT AND VOTING, ANY SUBSEQUENT BUSINESS NOT INCLUDED IN SUCH FILED AGENDAS MAY BE CONSIDERED AND ACTED UPON AT SUCH MEETINGS."

14. IT IS FOUND THAT FOUR RESPONDENT COMMITTEE MEMBERS AND THE RESPONDENT COUNCIL PRESIDENT WERE PRESENT AND VOTING AT THE RESPONDENT COMMITTEE'S JANUARY 2, 2024 MEETING. IT IS FURTHER FOUND THAT A ROLL CALL VOTE WAS TAKEN TO ADD ITEM #20-23, DESCRIBED IN PARAGRAPH 12, ABOVE, TO THE AGENDA WITH THREE VOTES IN THE AFFIRMATIVE AND ONE VOTE IN THE NEGATIVE.

15. IT IS FOUND THAT THE REQUIRED TWO-THIRDS AFFIRMATIVE VOTE OF THE PRESENT AND VOTING MEMBERS WAS NOT SECURED AS REQUIRED BY §1-225(C), G.S.

¹ The Commission notes that, likely due to a clerical error, the Exhibit H notice of the respondent committee's [special] meeting of January 2, 2024 is incorrectly dated. Such notice is dated December 20, 2023, which is incorrect because it precedes the regular meeting of December 26, 2023, at which the decision to reconvene on January 2, 2024 was made.

[17.] **16.** Accordingly, it is concluded that the respondent committee violated [§1-225(d)] **§1-225(C)**, G.S., by taking action on a second item at its January 2, 2024 [special] meeting[, as the statute prohibits adding additional business to special meeting agendas] **WITHOUT AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE MEMBERS OF A PUBLIC AGENCY PRESENT AND VOTING.**

[18.] **17.** The Commission in its discretion declines to consider the imposition of civil penalties under the facts and circumstances of this case.

Caucus Room Gathering of January 2, 2024

[19.] **18.** Regarding the complainant's allegations described in paragraph 2(e), above: the complainant alleges that an unnoticed secret meeting occurred at the caucus room gathering on the evening of January 2, 2024 while the respondent council's regular meeting was simultaneously in progress.

[20.] **19.** Section 1-225(a), G.S., provides in relevant part that, "[t]he meetings of all public agencies [...] shall be open to the public."

[21.] **20.** Section 1-200(2), G.S., defines "meeting" as follows, in relevant part:

[A]ny hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction, or advisory power [...]

[22.] **21.** The Connecticut Supreme Court has held that "for a gathering of individuals who are members of a public agency to constitute a 'hearing or other proceeding,' [...] it must be comprised of individual members of that public agency who have express authority to take action on behalf of the public agency. This authority may be conferred by statute, regulation, ordinance, charter, or other legal authority." (*City of Meriden v. Freedom of Information Commission*, 338 Conn. 310, 326 (2021) ("Meriden").

[23.] **22.** Additionally, the Court in Meriden held that, "[b]ecause a 'hearing or other proceeding' does not require a quorum of a public agency's members to constitute a meeting, a group comprising less than a quorum of a public agency may conduct a 'hearing or other proceeding' when it has the express authority to take action." (*Id.*)

[24.] **23.** It is found, based on the credible testimony of the complainant's witnesses who attended the caucus room gathering, that the gathering was comprised of the following attendees: mayoral administration personnel, city council members, attorneys, and leaders of the Jewish and

Muslim religious communities. It is also found that such attendees cycled in and out of the room during the gathering, with some attending for minutes or seconds and others staying for a majority of the time or for the entire duration.

[25.] **24.** It is found that neither a quorum of respondent council members nor a quorum of respondent committee members attended the caucus room gathering.

[26.] **25.** It is found, based on the credible testimony of the complainant's witnesses who attended the caucus room gathering, that the purpose of the gathering was to discuss, agree upon, and create a fourth draft of the ceasefire resolution for presentation to the respondent council for adoption at its regular meeting that same evening.

[27.] **26.** The complainant contends that the caucus room gathering was ordered and authorized by the respondent council president and, therefore, was a "meeting" within the meaning of §1-200(2), G.S.

[28.] **27.** It is found, however, that even if the allegation described in paragraph [27] 26, above, is true, there is no evidence in the administrative record that the attendees of the caucus room gathering "possessed the express authority to take action on behalf the public agency" as the Court in Meriden instructs the Commission to contemplate. Specifically, neither the respondent council, respondent committee, nor any other public agency bestowed any such authority on the gathering. There is also no evidence in the administrative record that the attendees at the gathering comprised a group formed pursuant to any statute, regulation, ordinance, charter, or other legal authority. Furthermore, it is found that the gathering's attendees had no legal source of power granting them any authority to act, either as a group or on behalf of the respondent council or respondent committee, which is why the group submitted the resolution to the full respondent council for its consideration and a vote. (See paragraph 38, below.)

[29.] **28.** It is further found that there is nothing in the administrative record to suggest that the respondent council's authority to act independently with respect to voting on the resolution, or not voting on it at all, was compromised by the actions of the attendees of the caucus room gathering.

[30.] **29.** Therefore, it is found that the caucus room gathering did not constitute a meeting within the meaning of §1-200(2), G.S., of the respondent council, the respondent committee, or any other body authorized to act on behalf of a public agency.

[31.] **30.** Accordingly, it is concluded that the caucus room gathering was neither an unnoticed nor a secret meeting in violation of §1-225(a), G.S.

Council Meeting of January 2, 2024

[32.] **31.** Regarding the allegations described in paragraph 2(f), above: the complainant alleges that the respondent council violated the FOI Act by adopting at its January 2, 2024 regular meeting the fourth version of the ceasefire resolution that was drafted at the caucus room gathering, described

in paragraphs [24-26] **23-25**, above. Specifically, she alleges that the version of the amended resolution that the respondent council acted upon was improperly noticed prior to the council's January 2, 2024 regular meeting.

[33.] **32.** Section 1-225(c), G.S., provides the following in relevant part:

The agenda of the regular meetings of every public agency [...] shall be available to the public and shall be filed, not less than twenty-four hours before the meetings to which they refer, (1) in such agency's regular office or place of business, and (2) [...] in the office of the clerk of such subdivision for any public agency of a political subdivision of the state [...] Upon the affirmative vote of two-thirds of the members of a public agency present and voting, any subsequent business not included in such filed agendas may be considered and acted upon at such meetings.

[34.] **33.** It is found that the first page of the noticed agenda for the respondent council's January 2, 2024 regular meeting lists the ceasefire resolution as an action item in the following manner:

MATTERS TO BE ACTED UPON:

20-23: Miscellaneous Matters Committee Report re: Resolution Calling for an Immediate De-escalation and Permanent Ceasefire in Israel, Gaza, and the Occupied West Bank.

(See Complainant's Exhibit L, agenda for respondent council's January 2, 2024 regular meeting.)

[35.] **34.** The complainant contends that the version of the resolution that was ultimately adopted by the respondent council was not the version that was noticed on the agenda in violation of the FOI Act.

[36.] **35.** The Commission has determined that "all matters on an agency's agenda must be sufficiently specific so that the public is fairly apprised of the matters to be considered at the meeting in question." Sherry Disbury and the Terryville/Plymouth Community News v. Police Commission, Town of Plymouth, Docket #FIC 2004-091 (Sept. 8, 2004); Zoning Board of Appeals of the Town of Plainfield, et al. v. FOIC, et al., Superior Court, Judicial District of New Britain, Docket No. 99-0497917-S (May 3, 2000, *Satter*, J.), reversed on other grounds, 66 Conn. App. 279 (2001) (the purpose of a meeting agenda "is that the public and interested parties be apprised of matters taken up at the meeting in order to properly prepare and be present to express their views" and that "[a] notice is proper only if it fairly and sufficiently apprises the public of the action proposed, making possible intelligent preparation for participation in the hearing").

[37.] **36.** It is found that the FOI Act does not prohibit a public agency from adopting amendments to an action item that was properly noticed on a meeting agenda.

[38.] **37.** It is also found that the FOI Act does not require a public agency to post notice of the text of an action item or the text of possible amendments to an action item to be offered at a meeting.

[39.] **38.** It is found that, at the respondent council's January 2, 2024 regular meeting, the council took up Item 20-23 on its agenda described in paragraph [34] **33**, above. It is further found that, after a period of debate, a council member moved to "amend by substitution with the document that was received which reflects a consensus of a group of religious leaders from both Jewish and Muslim communities of Bridgeport." It is found that such motion passed after a roll call vote. (See Complainant's Exhibit P, meeting minutes for respondent council's January 2, 2024 regular meeting.)

[40.] **39.** It is found that the respondent council's agenda for its January 2, 2024 regular meeting fairly apprised the public of the topic that was to be discussed in action Item 20-23 as described in paragraph [34] **33**, above, even if the language ultimately adopted for the item was different from the language of the noticed item.

[41.] **40.** Consequently, it is concluded that the respondent council properly noticed the ceasefire resolution as Item 20-23 on the agenda for its January 2, 2024 regular meeting. Therefore, the respondent council did not violate the FOI Act or the notice provisions of §1-225(c), G.S., by adopting the amended version of the ceasefire resolution drafted in the caucus room gathering as described in paragraphs[24-26] **23-25**, above.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Henceforth, the respondent committee shall strictly comply with the requirements of [§1-225(d)] **§1-225(C)**, G.S.

2. The action taken at the respondent committee's January 2, 2024 meeting to adopt the third version of the ceasefire resolution is hereby declared null and void.

Docket #FIC 2024-0072

Jacques Parenteau v. Director of Public Records, State of Connecticut, University of Connecticut; and State of Connecticut, University of Connecticut

Paragraph 2 of the order in the Hearing Officer's Report is stricken.

Docket #FIC 2024-0077 Todd Steigman v. Commissioner, State of Connecticut,
Department of Agriculture; and State of Connecticut,
Department of Agriculture

Paragraph 26 of the Hearing Officer's Report and Paragraph 1 of the order in the Hearing Officer's Report are amended as follows.

26. While the respondents assured the complainant on April 23, 2024 that they were "continuing to process" his request, it is found that such representation rings hollow since as of December 4, 2024—or 225 days following such assurance—the respondents had not processed the request in any way. See ¶¶ 14 and 23, above. It is further found that the provision of records to the complainant had not been completed (and had not even really begun) as of December 4, 2024, at which time 328 days had elapsed since the respondents had received the request. See ¶ 23[0], above. It is further found that the respondent agency's attorney's averment that the respondents needed to review 16,000 documents in order to fully process the instant request overlooks the respondents' representation in the first contested case hearing that, once the documents received from BITS were de-duplicated, the respondents estimated that they would have 8,000 potentially responsive documents to review. [See ¶ 23, above.] It is therefore found that the respondents' compliance with the complainant's request was not prompt.

1. Within **ninety (90)** [forty-five (45)] days of the Notice of Final Decision in this matter, the respondents shall disclose to the complainant all records responsive to the request set forth in paragraph 2 of the finds, above, free of charge.