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FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Vincent Aiello,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-101

Board of Finance, Town of Morris; and
Town of Morris,
Respondent(s)

August 27, 2014

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, September 24, 2014**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE September 12, 2014**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE September 12, 2014**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE September 12, 2014**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis

Acting Clerk of the Commission

Notice to: Leonard Caine, Esq.
Board of Finance, Town of Morris
Town of Morris

2014-08-27/FIC# 2014-101/Trans/wrbp/VDH//TAH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Vincent Aiello,

Complainant

against

Docket #FIC 2014-101

Board of Finance, Town of Morris;
and Town of Morris,

Respondents

August 18, 2014

The above-captioned matter was heard as a contested case on August 15, 2014, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By email dated and filed February 19, 2014, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act in the following way: by holding a regular meeting at the Morris Town Hall on February 12, 2014, a state holiday.
3. Section 1-225(a), G.S., provides, in relevant, part: "The meetings of all public agencies. . . shall be open to the public."
4. Section 1-200(2), G.S., provides, in relevant, part:

"Meeting" means any 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. . . .

5. Section 1-230, G.S., provides, in relevant, part that, “. . . [i]f at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day.”

6. It is found that February 12, 2014 fell on a state holiday known as Lincoln’s birthday.

7. It is found that the respondent Board of Finance held a regular meeting on February 12, 2014.

8. It is found that, while the complainant attended the respondent’s regular meeting on February 12, 2014, he tried to bring the issue of whether a regular meeting should be taking place on a holiday to the attention of the respondent board’s chairman.

9. At the contested case hearing, the respondents readily admitted that they made a mistake with regard to holding a regular meeting on a holiday, and they indicated that, going forward, they would be mindful not to do so again.

10. It is found that the respondents added many of the matters which had been voted upon at the February 12, 2014 meeting to their February 26, 2014 regular meeting agenda, and voted upon such matters again.

11. Based on the foregoing, it is concluded that the respondents violated the provisions of §1-230, G.S., as alleged in the complaint.

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

1. Henceforth, the respondents shall strictly comply with the provisions of §1-230, G.S.



Valicia Dee Harmon
as Hearing Officer