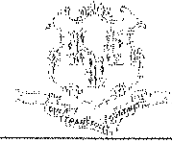


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FREEDOM OF INFORMATION



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

Notice of Meeting

Docket #FIC 2014-074

David Streit, Chairman, Fairfield County Deer
Management Alliance; and Fairfield County
Deer Management Alliance,
Respondent(s)

October 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, November 19, 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 November 7, 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 November 7, 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 November 7, 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: Peter Hood
David Streit, Chairman
Fairfield County Deer Management Alliance

2014-10-27/FIC# 2014-074/Trans/wrbp/VDH//PSP

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Peter Hood,

Complainant

against

Docket #FIC 2014-074

David Streit, Chairman,
Fairfield County Deer
Management Alliance; and
Fairfield County Deer
Management Alliance,

Respondents

October 27, 2014

The above-captioned matter was heard as a contested case on August 25, 2014, at which time the complainant appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The respondents did not appear at the August 25, 2014 contested case hearing. By notice dated August 26, 2014, the Commission scheduled a civil penalty hearing for October 1, 2014, and ordered the respondents to produce the respondent chairman to testify at the October 1, 2014 hearing.

Thereafter, by email dated and filed on September 23, 2013, the respondents moved to continue the civil penalty hearing, and to reopen the evidentiary portion of the contested case hearing. By order dated September 23, 2014, the hearing officer granted the respondents' motion to continue the civil penalty hearing. By letter dated September 26, 2014, and received September 29, 2014, the complainant objected to the respondents' request to reopen the contested case hearing. By order dated September 30, 2014, the hearing officer granted the respondents' motion to reopen the underlying contested case hearing.

A continued contested case hearing took place on October 20, 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 letter received and filed February 3, 2014, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act in the following way: by failing to have the minutes for their December 9, 2013 meeting available for public inspection within seven business days. In addition, the complainant contended that the respondents committed the violation without reasonable grounds, and, as a result, requested that the Commission impose civil penalties.

3. 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. . .

4. Section 1-210(a), G.S., provides, in relevant part, as follows:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records . . . , or (3) receive a copy of such records in accordance with section 1-212. Any agency rule or regulation, or part thereof, that conflicts with the provisions of this subsection or diminishes or curtails in any way the rights granted by this subsection shall be void. Each such agency shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such agency shall be kept in the office of the clerk of the political subdivision in which such public agency is located. . .

5. Section 1-225(a), G.S., provides, in relevant part, as follows:

The meetings of all public agencies . . . shall be open to the public. . . Not later than seven days after the date of the session to which such minutes refer . . . minutes shall be available for public inspection and posted on such public agency’s Internet web site, if available, except that no public agency of a political subdivision of the state shall be required to post such minutes on an Internet web site. Each

public agency shall make, keep and maintain a record of the proceedings of its meetings.

6. It is found that, on December 9, 2013, the respondents held a regular meeting. It is further found that, pursuant to the provisions of §1-225(a), G.S., the meeting minutes for the December 9, 2013 meeting were required to be available for public inspection by December 16, 2013.

7. It is found that the respondents do not maintain an office or place of business; rather, pursuant to the provisions of §1-210(a), G.S., it is found that the respondents maintain their public records, including their meeting minutes, in the Office of the Redding Town Clerk.

8. It is found that, subsequent to the December 9, 2013 meeting, the chairman of the respondent agency prepared the meeting minutes, and, by email dated December 13, 2013, forwarded the meeting minutes to twenty recipients. It is found that the respondent chairman intended to include the Redding Town Clerk as a recipient on the December 13, 2013 email, but overlooked the clerk's email address. It is found that the reason the respondent chairman intended to include the Redding Town Clerk as a recipient on the December 13, 2013 email was so the clerk could make the respondents' meeting minutes available for public inspection.

9. It is found that, on January 2, 2014, the complainant visited the Office of the Redding Town Clerk for the specific purpose of reviewing the December 9, 2013 meeting minutes. However, it is found that meeting minutes had not yet been made available to the clerk.

10. It is found that subsequently, on January 6, 2014, the Redding Town Clerk received the meeting minutes for December 9, 2013 meeting from the respondents and forwarded a copy of such minutes to the complainant via email.

11. At the contested case hearing, the respondents readily admitted that they made a mistake by not including the Redding Town Clerk's email address on the December 13, 2014 email, and they indicated that, going forward, they would be mindful not to do so again.

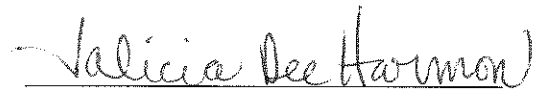
12. Based on the foregoing, it is concluded that the respondents violated the provisions of §1-225(a), G.S., as alleged in the complaint.

13. Finally, while the Commission declines to impose civil penalties in this case, a discussion did occur at the October 20, 2014 continued contested case hearing concerning whether, in the event that the Commission found a violation in this case, the respondents might benefit from a FOI training session. The respondents seemed to embrace the opportunity to receive FOI training as a chance to learn the law more thoroughly and, thereby, to conduct their meetings and maintain their records in accordance with the provisions of the FOI Act. The complainant also seemed encouraged by the prospect of

having the respondents participate in such a training session. Accordingly, a FOI training session will be so ordered.

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 §1-225(a), G.S.
2. Forthwith, the respondents, or their designee, shall arrange for a FOI Act training session to be conducted by the staff of the FOI Commission. The respondents, or their designee, shall forthwith contact the FOI Commission to schedule such training session.



Valicia Dee Harmon
Valicia Dee Harmon
as Hearing Officer