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FREEDOM OF INFORMATION



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John Scott and the Bailey Agencies,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-525

Susan Aguiar, Clerk and Ken Richards, President,
Poquonnock Bridge Fire District, Board of Directors; and
Poquonnock Bridge Fire District Board of Directors,
Respondent(s)

February 22, 2016

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, March 23, 2016**. 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 March 11, 2016**. 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 March 11, 2016**. **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 **fifteen (15) copies** be filed **ON OR BEFORE March 11, 2016**, 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: John Scott and the Bailey Agencies
Michael E. Satti, Esq.

2016-02-22/FIC# 2015-525/Trans/wrbp/VDH//KKR

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

John Scott and the
Bailey Agencies,

Complainants

against

Docket #FIC 2015-525

Susan Aguiar, Clerk, Poquonnock
Bridge Fire District, Board of
Directors; Ken Richards, President,
Poquonnock Bridge Fire District,
Board of Directors; and Poquonnock
Bridge Fire District, Board of Directors,

Respondents

February 18, 2016

The above-captioned matter was heard as a contested case on November 12, 2015, at which time the complainants 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 dated August 12, 2015 and filed August 17, 2015, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information Act ("FOI Act") by holding an illegal meeting concerning the purchase of a policy of property and casualty insurance.
3. Section 1-200(2)(A), G.S., defines "meeting" as:

[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.

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

5. It is found that Complainant John Scott (the “complainant”) is an insurance agent who has been providing property and casualty insurance to the Respondent Poquonnock Bridge Fire District (the “respondent district”) for the better part of twenty years.

6. It is found that the respondent district’s insurance policies renew on August 1st of each year.

7. It is found that, on July 9, 2015, the respondent district held a regular board of directors meeting. It found that the meeting minutes from the July 9th minutes indicate, under an action item entitled, “Good of the Department,” that the respondent district engaged in the following discussion:

Susan Aguiar brought up the quoting of the General Liability package policy. We are currently working on it and should have quotes from both insurance agents by early next week. The board as a whole discussed that I [Ms. Aguiar] will contact each board member and we will go over the policies and premiums and I [Ms. Aguiar] will finalize the paperwork with whichever agent we decide to go with.

8. It is found that, by email dated July 21, 2015, the respondent district corresponded with the Bailey Agencies (the “complainant agency”), stating that complainant agency should have finalized its insurance bid for the respondent district by July 17, 2015, and that it was imperative that the respondent district receive the complainant agency’s bid by August 1, 2015 by 3:00 PM.

9. It is found that, on July 21, 2015, the complainant agency submitted its bid to the respondent district.

10. It is found that, by letter dated August 3, 2015, the complainant agency received an executed Accord Cancellation Request (the “Cancellation”) from a separate insurance agency, effectively informing the complainant agency that the respondent district had decided to purchase its insurance from that other agency, rather than from the complainant agency.

11. The complainants contend that, given the discussion that occurred at the respondents’ July 9th meeting, combined with the fact that the respondent district’s next public meeting following the July 9th meeting was scheduled for August 13, 2013, sometime between submitting their bid on July 21th and the issuance of the August 3rd Cancellation, see ¶ 10, above, the board

members of the respondent district must have engaged in a secret meeting with Ms. Aguiar in order to select an insurance provider.


12. Allen Ackley, who is the President of the respondent district's board of directors, and Ms. Aguiar, who is the respondent district's secretary as well as a board member, appeared at the contested case hearing and provided testimony.

13. It is found that the respondent district's insurance coverage was scheduled to expire on August 1, 2015. Accordingly, it is found that, in order not to experience a lapse in coverage, Ms. Aguiar made a unilateral decision as the secretary of the respondent board to purchase insurance from a different insurance company. Ms. Aguiar testified and it is found that she did not speak to any of the board members before selecting the coverage offered by such agency; rather, she made her selection based upon price and then waited until the respondent district's next regularly scheduled meeting, which was the August 13, 2015 meeting, to report her action to the respondent district. It is found that, upon hearing from Ms. Aguiar at the August 13th meeting, the respondent district unanimously approved her insurance selection. Mr. Ackley's testimony on these matters was consistent with the testimony of Ms. Aguiar.

14. Accordingly, it is concluded that the respondents did not violate the FOI Act by conducting a secret meeting, 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. The complaint is dismissed.


Valicia Dee Harmon
as Hearing Officer