

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Nancy Kearney,

Complainant

against

Docket #FIC 2017-0617

Chairman, Palmer Point Tax  
District; and Palmer Point Tax  
District,

Respondents

April 11, 2018

The above-captioned matter was scheduled to be heard as a contested case on March 12, 2018 at 1:00 PM, at which time the respondents appeared with their counsel, but the complainant did not appear to prosecute the case.

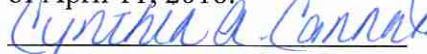
The hearing officer notes that Attorney Steven G. Berg, counsel for the respondents, appeared at the hearing with Walter Primoff, the President of the Palmer Point Tax District; Richard J. Smeriglio, Vice President of Plaza Realty and Management Corporation; and Sharon Montanaro, Assistant Property Manager of Plaza Realty and Management Corporation. Attorney Berg represented that, prior to the hearing, he had spent approximately 35 hours working with the members of the respondent district to identify, locate and review responsive records, communicating with and disclosing records to the complainant and preparing for the contested case hearing. Mr. Primoff represented that he had spent approximately twenty-five hours of his time locating responsive records and providing them to counsel, while Mr. Smeriglio and Ms. Montanaro represented that they had spent the better part of week gathering and reviewing records responsive to the request. The Commission further notes that the request in this case had twenty parts and sought records from the year 2000 through September 9, 2017.

It is difficult to understand why, with all of the available means of technology, the complainant failed to notify the Commission that the hearing was not necessary.

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

1. The complaint is hereby dismissed with prejudice.
2. The complainant is admonished for her failure to appear at the hearing in this matter, which failure resulted in a waste of scarce state and local resources.

Approved by Order of the Freedom of Information Commission at its regular meeting  
of April 11, 2018.


  
Cynthia A. Cannata  
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

**NANCY KEARNEY**, c/o Attorney Patricia Ayars, Ayars and Associates, LLC, 381 Hubbard Street, Suite 102, Glastonbury, CT 06033

**CHAIRMAN, PALMER POINT TAX DISTRICT; AND PALMER POINT TAX DISTRICT** c/o Attorney Steven G. Berg, 9 Mott Avenue, PO Box 909, Norwalk, CT 06850



Cynthia A. Cannata  
Acting Clerk of the Commission