



FREEDOM OF INFORMATION



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

Notice of Meeting

Docket #FIC 2013-037

John Louizos, Timothy Abbazia, as members,
Board of Finance Audit Committee, City of
Stamford; and Board of Finance Audit
Committee, City of Stamford,
Respondent(s)

September 3, 2013

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 25, 2013**. 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 13, 2013**. 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 13, 2013**. **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 13, 2013**, 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: Kathleen Murphy
Michael Toma, Esq.

2013-09-03/FIC# 2013-037/Trans/wrbp/MS/LFS/TCB

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Kathleen Murphy,

Complainant

against

Docket #FIC 2013-037

John Louizos, Timothy Abbazia, as
Members, Board of Finance Audit
Committee, City of Stamford; and Board
of Finance Audit Committee, City of
Stamford,

Respondents

August 28, 2013

The above-captioned matter was heard as a contested case on June 18, 2013, 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 filed January 28, 2013, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by convening a secret, unnoticed meeting to discuss audit matters. The complainant requested the imposition of a civil penalty against the named respondents.
3. Section 1-200(2), G.S., defines "meeting" as:

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 1-225(a), G.S., provides, in relevant part that "[t]he meetings of all public agencies, except executive sessions as defined in subdivision (6) of section 1-200, shall be open to the public..."
5. The complainant claims that an e-mail dated January 25, 2013, from the respondents' external auditor ("the auditor") to the complainant references a meeting between

the respondent members of the Board of Finance and the auditor: "We have shared our specific question with Mssrs. Louizos and Abbazia, as Audit Committee Chair and BoF (sic) Chair..."

6. The complainant alleges that the two members of the respondent Board discussed the audit with each other and the auditor in a secret meeting to which the public was denied access.

7. It is found, however, that the respondent Louizos, as the chairperson of the Audit Committee, acted as a liaison with the auditor, and as liaison, often answered the auditor's various questions during the audit.

8. It is found that the respondent Louizos always shared audit issues with the Committee as a whole and with the Board of Finance as a whole. It is found that the minutes of the agencies' meetings document this finding.

9. It is found that neither of the named respondent members discussed the audit with each other outside of a public meeting.

10. It is found that the respondents did not hold a "meeting" within the meaning of §1-200(2), G.S., as alleged.

11. It is concluded that the respondents did not violate §1-225(a), 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. The complaint is dismissed.



Commissioner Matthew Streeter
as Hearing Officer