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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 2013-654

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

June 19, 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, July 9, 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 June 27, 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 June 27, 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 June 27, 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

Wendy Paradis  
Acting Clerk of the Commission

Notice to: Peter Hood  
John W. Bradley, Jr., Esq.

2014-06-19/FIC# 2013-654/Trans/wrbp/MS/LFS/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 2013-654

Chairman, Fairfield County Municipal  
Deer Management Alliance; and Fairfield  
County Deer Management Alliance,

Respondents

June 19, 2104

The above-captioned matter was heard as a contested case on June 5, 2014, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The matter was consolidated for hearing with Docket #FIC 2013-628; Chairman, Fairfield County Deer Management Alliance; and Fairfield County Deer Management Alliance.

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 October 21, 2013, the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by failing to make available minutes of their meeting of September 9, 2013, within 7 days of such meeting. The complainant requested the imposition of civil penalties in this matter.
3. It is found that the respondent Fairfield County Municipal Deer Management Alliance (the "Alliance") is a regional planning agency whose members are officials from the 18 participating municipalities in Fairfield County.
4. Section 1-225, G.S., provides in relevant part:
  - (a) 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, ... Each public agency shall make, keep and maintain a record of the proceedings of its meetings.

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

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.

6. The Commission takes administrative notice of Docket #FIC 2010-539; Michael Gorfinkle v. David Streit, Chairman, Fairfield County Municipal Deer Management Alliance; and Fairfield County Municipal Deer Management Alliance (June 22, 2011), in which the Commission concluded:

Although the terms of §1-225 (c) and (d), G.S., refer only to notices and agendas, and not minutes, the Commission suggests that, for a multi-town agency such as the respondent Alliance that has no regular office or place of business, the filing of minutes with each participating municipality would provide ready access.

7. It is found that since the Commission's decision in 2011, the respondents have made a diligent effort to comply with the Commission's recommendations concerning the availability of minutes.

8. It is found that the respondents maintain a website, and post the minutes on such website.

9. It is found that the minutes of the respondents' meetings held subsequent to the Commission's final decision in Docket #FIC 2010-539 in June 2011, are on the respondents' website and maintained by the clerk of the Town of Redding, and that the chair of the Alliance has sent an electronic copy of the minutes to the clerk of each member city or town.

10. It is also found that website states on its home page, just below the link for meeting agendas and minutes: "A Copy of all agendas and minutes is available in Redding, CT at the Office of the Town Clerk."

11. It is found that the complainant requested to inspect the minutes at two of the Alliance's member towns (Bridgeport and Westport) on September 20, 2013 and on September 23, 2013, respectively. It is found that the clerks at both towns told the complainant that they did not maintain such records.

12. It is found that the complainant subsequently received a copy of the minutes of the September 9, 2013 meeting from the clerk of the town of Westport, soon after September 22, 2013.

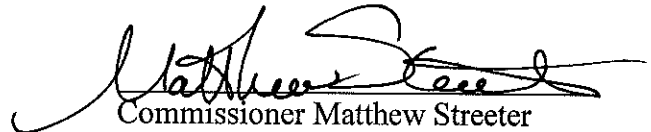
13. The respondents conceded, and it is found, that the minutes for the September 9, 2013 meeting were not made available until September 22, 2013, which is more than 7 days after the meeting.

14. It is concluded that the respondents violated §1-225(a), G.S., by failing to make available the minutes of their meeting of September 9, 2013, within seven days.

15. After consideration of the entire record in this case, the Commission declines to consider the imposition of civil penalties against the respondents.

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

1. The respondents shall continue to comply with the requirements of §1-225(a), G.S.

  
Commissioner Matthew Streeter  
as Hearing Officer