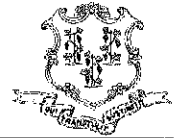


Since 1975



FREEDOM OF INFORMATION



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James Brennan,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-503

Inland Wetlands Commission, Town of Seymour; and
Town of Seymour,
Respondent(s)

January 11, 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, February 10, 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 January 29, 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 January 29, 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 January 29, 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: James Brennan
Christopher J. Sugar, Esq.

2016-01-11/FIC# 2015-503/Trans/wrbp/CAL//PSP

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

James Brennan,

Complainant

against

Docket #FIC 2015-503

Inland Wetlands Commission,
Town of Seymour; and Town of Seymour,

Respondents

November 13, 2015

The above-captioned matter was heard as contested case on November 3, 2015, at which time the complainant and the respondents appeared 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 respondent Inland Wetlands Commission and the respondent Town of Seymour are public agencies within the meaning of §1-200(1)(A), G.S.

2. By letter dated July 29, 2015 and filed with the Freedom of Information Commission ("FOIC") on July 31, 2015, the complainant appealed to the FOIC, alleging that the respondent Commission: a) failed to file their minutes correctly, and specifically that, as of the July 27, 2015 meeting, there were no minutes available for the June 22, 2015 meeting; and b) stopped the complainant from speaking at the July 27, 2015 meeting and would not allow him to speak further, despite the fact that he was on the agenda.

3. Section 1-225(a), G.S., states in relevant part:

The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours and shall also be recorded in the minutes of the session at which taken, which minutes shall be available for public inspection within seven days of the session to which they refer. (emphasis added)

4. The respondents stipulated, and it is found, that the minutes of the June 22, 2015 meeting of the respondent Commission were not filed and available for public

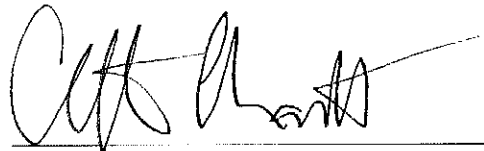
inspection until July 30, 2015. The respondents also stated that they have taken steps to ensure that this late filing problem does not recur.

5. It is concluded that the respondent Commission violated the requirements of §1-225, G.S., when it failed to have minutes available for public inspection within seven days of its June 22, 2015 meeting.

6. It is also concluded that there is no right pursuant to the Freedom of Information Act ("FOIA") to speak at a public meeting, and accordingly, that the respondents did not violate the FOIA as alleged in paragraph 2.b), above.

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

1. Henceforth, the respondent Commission shall strictly comply with all requirements of §1-225, G.S.



Clifton A. Leonhardt
as Hearing Officer