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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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Ethan Fry and the Valley Independent,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2017-0040

Chairman, Planning and Zoning Commission, Town of
Shelton; Planning and Zoning Commission, Town of
Shelton; and Town of Shelton
Respondent(s)

June 19, 2017

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 12, 2017**. 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 28, 2017**. 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 28, 2017**. **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 June 28, 2017**, 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: Ethan Fry and the Valley Independent
Attorney Ramon S. Sous

FIC# 2017-0040/Trans/wrbp/LFS/TAH/2017-06-19

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Ethan Fry and the Valley Independent,

Complainants

against

Docket #FIC 2017-0040

Chairman, Planning and Zoning
Commission, Town of Shelton; Planning
and Zoning Commission, Town of
Shelton; and Town of Shelton,

Respondents

May 2, 2017

The above-captioned matter was heard as a contested case on April 13, 2017, 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 filed January 20, 2017, the complainants appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to make minutes of their meetings available within seven days and by failing to make the record of votes taken at such meetings available within 48 hours. At the hearing in this matter, the complainants requested the imposition of a civil penalty.
3. Section 1-225(a), G.S., provides 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. Not later than seven days after the date of the session to which such minutes refer, such minutes shall be available for public inspection and posted on such public agency’s Internet web site, if available, except that no public agency of a political subdivision of the state shall be required to post such minutes on an Internet

website. Each public agency shall make, keep and maintain a record of the proceedings of its meetings.

4. It is found that on January 20, 2107, the respondents made minutes available for the meetings of September 28, October 11, November 9, November 16, and December 13, 2016.

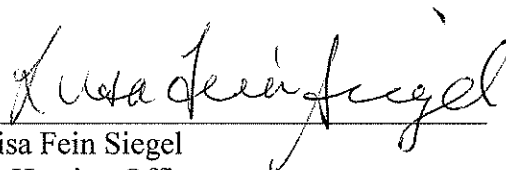
5. It is found that the respondents did not reduce to writing and make available for public inspection within 48 hours any votes taken at such meetings.

6. It is concluded that the respondents violated §1-225(a), G.S., as alleged.

7. After consideration of the entire record in this case, the Commission declines to consider the imposition of civil penalty against the respondents. However, the Commission warns the respondents that in any future appeals where it is found that the respondents failed to comply with the requirement to make minutes and records of votes available in a timely manner, the Commission may be more inclined to impose such a civil penalty.

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

1. Henceforth, the respondents shall strictly comply with §1-225(a), G.S.



Lisa Fein Siegel
as Hearing Officer