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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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John Sakon,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2013-231

Community Development Office,
Town of Glastonbury; Town Plan and
Zoning Commission, Town of Glastonbury
Respondent(s)

September 16, 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, October 9, 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 27, 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 27, 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 27, 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: John Sakon
Matthew D. Ritter, Esq.

9/16/13/FIC# 2013-231/Trans/wrbp/LFS//KKR

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

John Sakon,

Complainant

against

Docket #FIC 2013-231

Community Development Office, Town of
Glastonbury; and Town Plan and Zoning
Commission, Town of Glastonbury,

Respondents

September 12, 2013

The above-captioned matter was heard as a contested case on August 15, 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. It is found that on May 8, 2012, the complainant sent a letter to the chairperson of the respondent commission requesting "notice of any meetings with town commissions" concerning the property located at 2944 Main St.
3. It is found that on July 15, 2012, the complainant sent another letter to the chairperson of the respondent commission and to Glastonbury's zoning enforcement officer requesting copies of "any applications before zoning or any applications for building permits" for the property located at 2944 Main St.
4. By letter filed April 17, 2013, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to notify him of the March 19, 2013 regular meeting of the Town Plan and Zoning Commission at which the commission discussed the property at 2944 Main St., and failed to provide him a copy of the relevant applications submitted for such property.
5. Section 1-200(5), G.S., provides:

Public records or files means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, ... whether such data

or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

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

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours...

7. It is concluded that the records requested by the complainant are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

8. With respect to the complainant's allegation that the respondents failed to notify him that the property would be discussed at their March 19, 2013 meeting, §1-227, G.S., provides in relevant part:

The public agency shall, where practicable, give notice by mail of each regular meeting, and of any special meeting which is called, at least one week prior to the date set for the meeting, to any person who has filed a written request for such notice with such body...

9. By its terms, §1-227, G.S., mandates that, where practicable, notice be provided of each regular meeting and any special meetings, to one who requests such service. It is found that the complainant's letter described in paragraph 2, above, did not request notice of each regular meeting and any special meetings of the respondent commission, but rather it requested notice of particular meetings. It is further found that §1-227, G.S., did not require the respondents to provide written notice to the complainant of any particular meeting. Docket #FIC 2003-132; Michael Duff v. Donna Kiah, Chairperson, Board of Assessment Appeals, Town of Bethel; et al. (September 24, 2003).

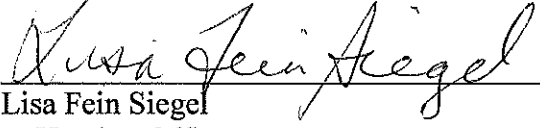
10. It is concluded that the respondents did not violate §1-227, G.S., by not notifying the complainant individually of their March 19, 2013 meeting.

11. It is found, in addition, that the schedule of regular meetings of the respondent commission was properly filed. It is also found that the agenda of the March 19, 2013 regular meeting was properly filed and posted, and listed discussion of the 2944 Main St. property as item #2.

12. With respect to the complainant's claim that the respondents failed to provide him with a copy of relevant applications submitted concerning the property at 2944 Main St., it is found that on the date of the complainant's request, July 15, 2012, the respondents did not maintain any "applications" relevant to the subject property.

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.



Lisa Fein Siegel
as Hearing Officer

FIC2013-173/HOR/LFS/09042103