

Since 1975



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
Toll free (CT only): (866)374-3617 Tel: (860)566-5682 Fax: (860)566-6474 • www.state.ct.us/foi • email: foi@po.state.ct.us

Peter Hood,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2013-628

Chairman, Fairfield County Municipal Deer
Management Alliance; and Fairfield County
Municipal 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# 2013-628/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 2013-628

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 2013-654; 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 8, 2013, the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by demanding that the complainant provide his name and other information to the respondents at the outset of their meeting of September 9, 2013. The complainant requested the imposition of civil penalties in this matter.
3. Section 1-225(e), G.S., provides:

No member of the public shall be required, as a condition to attendance at a meeting of any such body, to register the member's name, or furnish other information, or complete a questionnaire or otherwise fulfill any condition precedent to the member's attendance.
4. It is found that the complainant, who regularly attends the respondents' meetings as a member of the public, refused to provide his name when the respondents requested that he do so at the outset of their meeting of September 9, 2013.
5. It is found that the respondent chairman was not present at the meeting.

6. The complainant alleged that certain members of the respondent Fairfield County Deer Management Alliance (“Alliance”) mocked his refusal to provide his name and declared that his silence created a “negative presence in the room.”

7. It is found that the respondents did not demand or even request that the complainant leave the meeting when he refused to provide his name.

8. It is found that the respondents did not condition the complainant’s attendance at the September 9, 2013 meeting or any of their meetings upon his providing his name.

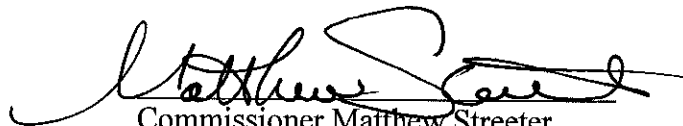
9. It is found that while some members of the Alliance may have been rude or hostile to the complainant, they did not require, as a condition to attendance at the September 9, 2013 meeting, that the complainant provide his name or other information.

10. The complainant also alleged that only those members of the public who are sympathetic to the deer management policies of the Alliance are made to feel welcome at the respondents meeting. It is found, however, that such is not a condition precedent to attendance, within the meaning of §1-225(e), G.S.

11. It is concluded, therefore, that the respondents did not violate §1-225(e), 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