

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

Van M. Brown,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2014-038

Nicholas H. Mullane, II, First Selectman, Town  
of North Stonington; Board of Selectmen, Town  
of North Stonington; and Town of North  
Stonington,

Respondent(s)

August 20, 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, September 10, 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 August 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 August 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 August 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

W. Paradis  
Acting Clerk of the Commission

Notice to: Van M. Brown  
Robert A. Avena, Esq.

2014-08-20/FIC# 2014-038/Trans/wrbp/CAL/TAH

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Van M. Brown,

Complainant

against

Docket #FIC 2014-038

Nicholas H. Mullane, II, First Selectman,  
Town of North Stonington; Board of Selectmen,  
Town of North Stonington; and  
Town of North Stonington

Respondents

August 18, 2014

The above-captioned matter was heard as contested case on August 11, 2014, at which time the complainant and the respondents appeared and presented extensive sworn testimony, exhibits and argument on the complaint.

The complaint dated January 16, 2014 alleged an array of records and meetings violations of the Freedom of Information Act ("FOIA"). However, it became apparent that the Commission did not have jurisdiction over allegations that unlawful executive sessions had been conducted on January 29, 2013 and March 5, 2013. The complainant withdrew this portion of his complaint. There was also sworn testimony that certain requested records do not exist. Concerning other records requests, the complainant stated that all relevant records had been provided and there was "nothing further to pursue".

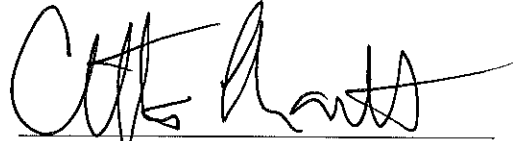
The complaint also alleged a violation of the right to prompt inspection and the right to have records maintained in an accessible place. The alleged violation was based upon a request to inspect agendas and minutes of meetings of the respondent board of selectmen that was made during the Christmas holiday season, on either December 30 or 31, 2013. After the complainant expressed his high regard for Norma J. Holliday, the town clerk, who was involved in responding to the complainant's inspection request, the parties agreed to conduct an off the record settlement conference without the presence of the hearing officer.

When the hearing was reconvened, the parties informed the hearing officer that they had reached a settlement. The respondents stipulated that, in addition to the web site improvements that had already been implemented (posting the agendas and minutes of every public agency of the town), the more recent minutes of the respondent board of selectmen (which had been maintained only in the vault in the respondent first

selectman's office) would henceforth be maintained in the town clerk's vault, which is open to any member of the public during business hours. Based upon this stipulation, the complainant stated that he wished to withdraw his complaint.

The Commission recommends the following orders on the basis of the record:

1. Based on the withdrawal of the complaint, the case is hereby dismissed.
2. The Commission commends both parties for reaching a settlement of their FOIA disputes without full adjudication.

A handwritten signature in black ink, appearing to read 'Clifton A. Leonhardt', written over a horizontal line.

Clifton A. Leonhardt  
as Hearing Officer