



# FREEDOM OF INFORMATION

Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Alfred Gorenflo,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2014-084

Chairman, Connecticut Classified Employees'  
Retirement Fund, City of Stamford; Connecticut  
Classified Employee's Retirement Fund, City of  
Stamford; and City of Stamford,  
Respondent(s)

September 24, 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, October 8, 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 September 30, 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 September 30, 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 September 30, 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: John M. Walsh, Jr., Esq.  
Michael Toma, Esq.

2014-09-24/FIC# 2014-084/Trans/wrbp/KKR/TAH

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Alfred Gorenflo,

Complainant

against

Docket #FIC 2014-084

Chairman, Board of Trustees, Connecticut  
Classified Employees' Retirement Fund,  
City of Stamford; Board of Trustees,  
Connecticut Classified Employees' Retirement  
Fund, City of Stamford; and City of Stamford,

Respondents

September 17, 2014

The above-captioned matter was heard as a contested case on September 9, 2014, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. The case caption has been amended to more accurately identify the respondents to this matter.

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 complaint dated February 9, 2014, and filed February 10, 2014, the complainant appealed to this Commission, alleging that, on January 9, 2014, prior to the start of the regular meeting of the Board of Trustees ("Board") of the Connecticut Classified Employees' Retirement Fund, the respondents improperly conducted a private meeting, to which the public was denied access.<sup>1</sup>
3. More specifically, the complaint alleges that three of the six members of the respondent Board, Burt Rosenberg, Joseph Caruso and Joyce Sun, met privately in the hallway adjacent to the meeting room, prior to the start of the meeting, in violation of the Freedom of Information ("FOI") Act.

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<sup>1</sup> The complaint was timely filed in accordance with the Commissions regulations, §1-21j-15. Although the thirtieth day after the alleged violation in this case was February 8<sup>th</sup>, such date fell on a Saturday. Accordingly, when "[t]he last day of the period is...a day on which the principal office of the commission is closed...the period shall run until the end of the next following business day," which, in this case was Monday, February 10<sup>th</sup>.

4. Section 1-225(a), G.S., provides, in relevant part, that:

[t]he meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public.

5. Section 1-200(2), G.S., defines “meeting” as:

any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. [Emphasis added].

6. It is found the respondent Board held a regular meeting on January 9, 2014 (the “meeting”).

7. It is found that, at such time, Ms. Sun was newly appointed to the Board, and that the meeting was her first. It is also found that, at the time of the meeting, Mr. Rosenberg was acquainted with both Ms. Sun and Mr. Caruso, but that Ms. Sun and Mr. Caruso were not acquainted with each other. It is further found that these three individuals have a common interest, in that they were appointed to the Board to represent the classified employees.

8. At the hearing in this matter, Mr. Rosenberg, Mr. Caruso and Ms. Sun all testified, credibly, and it is found, that they gathered in the hallway for a minute or two, just prior to the meeting for the purpose of greeting one another, the introducing of Ms. Sun to Mr. Caruso, and informing Ms. Sun that if, during the meeting, she had questions, she should speak up. It is found that no other discussion took place.

9. It is found that the complainant’s wife witnessed the gathering, but that she did not hear the discussion that took place. It is found that the complainant did not offer any evidence to contradict the respondents’ testimony. Rather, although not explicitly stated, the complainant implied that the gathering, in itself, violated the FOI Act, regardless of the nature of the discussion.

10. However, it is found a gathering of the nature described in paragraph 8 , above, does not constitute a “meeting” as that term is defined in §1-200(2), G.S., because there was no discussion or action by these individuals of any matter over which the respondent Board had “supervision, control, jurisdiction or advisory power.”

11. Accordingly, it is concluded that the respondents did not violate the FOI Act 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 hereby dismissed.



Kathleen K. Ross  
as Hearing Officer