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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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Linda LaCasse,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2014-850

David Pinney, Chairman, Housing Authority,  
Town of Somers; Housing Authority,  
Town of Somers; and Town of Somers,  
Respondent(s)

July 20, 2015

## 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, August 12, 2015**. 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 July 31, 2015**. 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 July 31, 2015**. **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 July 31, 2015**, 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: Linda LaCasse  
Carl T. Landolina, Esq.

2015-07-20/FIC# 2014-850/Trans/wrbp/KKR/TCB

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Linda LaCasse,

Complainant

against

Docket #FIC 2014-850

David Pinney, Chairman, Housing  
Authority, Town of Somers; and  
Town of Somers,

Respondents

July 17, 2015

The above-captioned matter was heard as a contested case on May 19, 2015, 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 reflect that notice of the May 19, 2015 hearing was provided to only the Housing Authority respondents.<sup>1</sup>

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 email, dated November 18, 2014, and filed November 19, 2014, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to post agendas and minutes of their meetings on the town’s website. The complainant further alleged that the respondents failed to file a schedule of regular meetings with the town clerk, and that she was denied access to a meeting of the respondent Housing Authority (“housing authority”) on November 18, 2014. The complainant also requested the imposition of a civil penalty.
3. At the hearing in this matter, the complainant withdrew her complaint as it pertains to the allegations that the respondents failed to post the agendas and minutes of the housing authority’s meetings on the town’s website. Accordingly, such allegations shall not be further considered herein.

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<sup>1</sup> The complainant named three different respondent agencies in a complaint, which she filed with the Commission three times. The Commission named one respondent agency in each of the three complaints. The other two complaints are Docket #FIC 2014-851, Linda LaCasse v. Deanna Schuetz, Chairman, Advisory Committee to the Elderly, Town of Somers; Advisory Committee to the Elderly, Town of Somers; and Town of Somers.; and Docket #FIC 2014-852, Linda LaCasse v. Chairman, Water Pollution Control Authority, Town of Somers; Water Pollution Control Authority, Town of Somers; and Town of Somers.

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....

6. Section 1-225(b), G.S., provides, in relevant part:

...The chairperson or secretary of any such public agency of any political subdivision of the state shall file, not later than January thirty-first of each year, with the clerk of such subdivision the schedule of regular meetings of such public agency for the ensuing year, and no such meeting of any such public agency shall be held sooner than thirty days after such schedule has been filed.

7. With regard to the allegation that the respondents failed to file the schedule of the housing authority’s regular meetings with the town clerk, it is found that the respondents did not file with the town clerk a document specifically containing the housing authority’s schedule of regular meetings for 2015. However, it is found that the housing authority’s regular meeting schedule for 2015 was noted in the minutes of its December 2014 meeting, and that the minutes of such meeting were filed with the town clerk. Although the respondents argued, at the hearing in this matter, that the latter was sufficient to meet the filing requirement in §1-225(b), G.S., it is concluded that it was not.

8. Accordingly, it is found that the respondents violated §1-225(b), G.S., by failing to file a schedule of regular meetings of the housing authority with the town clerk.

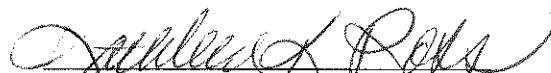
9. With regard to the complainant’s allegation that she was denied access to the November 18, 2014 meeting of the housing authority, it is found that on that date, the housing authority “host[ed] a ‘resident meeting’” at the Woodcrest Elderly Housing facility for the purpose of listening to residents’ comments and complaints with regard to that facility. Counsel argued, at the hearing in this matter, that the gathering was for residents only and was not a “meeting” that was required to be open to the public pursuant to §1-200(2), G.S. However, at the hearing in this matter, the chairman of the housing authority testified, and it is found, that the gathering was a meeting of the respondent housing authority and that such meeting should have been open to the public. It is further found that the respondents asked the complainant to leave the meeting.

10. Based upon the findings of fact in paragraph 9, above, it is concluded that the respondents violated §1-225(a), G.S., as alleged in the complaint.

11. In light of the respondents' acknowledgement of the violation, and based on the facts and circumstances of this case, the Commission declines to consider the imposition of 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 the provisions of §§1-225(a) and 1-225(b), G.S.



Kathleen K. Ross  
as Hearing Officer