



# FREEDOM OF INFORMATION



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

Notice of Meeting

Docket #FIC 2015-279

Chairman, Inland Wetlands Commission, Town of Kent;  
Inland Wetlands Commission, Town of Kent; and Town of  
Kent,

Respondent(s)

December 8, 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, January 13, 2016**. 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 December 30, 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 December 30, 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 December 30, 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: Pamela Dudgeon-Eisenlohr  
Chairman, Inland Wetlands Commission, Town of Kent; and  
Inland Wetlands Commission, Town of Kent  
Town of Kent

2015-12-08/FIC# 2015-279/Trans/wrbp/LFS//TAH

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FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Pamela Dudgeon-Eisenlohr,

Complainant

against

Docket #FIC 2015-279

Chairman, Inland Wetlands Commission,  
Town of Kent; Inland Wetlands  
Commission, Town of Kent; and Town of  
Kent,

Respondents

September 18, 2015

The above-captioned matter was heard as a contested case on September 4, 2015, 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. It is found that the respondents are public agencies within the meaning of §1-200(1), G.S.

2. By letter filed April 20, 2015, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by improperly adding an item to the agenda for their March 23, 2015 meeting, failing to adequately describe the reason for convening in executive session at the March 23, 2015 meeting, and meeting in executive session for an improper purpose. The complainant also alleged a secret meeting to discuss and appoint a member of the respondent commission to a committee to interview candidates for the position of Land Use Clerk.

3. Section 1-225, G.S., provides, in relevant part:

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

4. Section 1-200(6), G.S., in relevant part, provides:

(6) "Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following

purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting...

5. Section 1-225, G.S., also provides:

(c) The agenda of the regular meetings of every public agency ... shall be available to the public... Upon the affirmative vote of two-thirds of the members of a public agency present and voting, any subsequent business not included in such filed agendas may be considered and acted upon at such meetings....

(f) A public agency may hold an executive session as defined in subdivision (6) of section 1-200, upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in section 1-200.

6. It is found that the respondents' March 23, 2015 meeting was a regular meeting and that the agenda was available to the public.

7. It is found that two-thirds of the members of the respondent commission present and voting voted to hold an executive session during the March 23, 2015 meeting.

8. It is found that the stated reason for such executive session was to discuss progress on the hiring of a person to fill the position of Land Use Clerk.

9. The complainant alleged that the respondents discussed possible adjustments to the position's pay scale in the executive session.

10. It is found, however, that the respondents did not discuss the pay scale in executive session. It is found, instead, that the respondents discussed the possible employment of one candidate during the executive session.

11. It is concluded that such discussion was permissible pursuant to §1-200(6)(A), G.S.


12. It is also found, however, that the respondents also discussed who from the respondent commission would represent the commission on the Interview Committee created to interview the candidate(s) for the position of clerk.

13. It is concluded that such discussion was not a proper purpose for an executive session, within the meaning of §1-200(6), G.S.

14. It is concluded, therefore, that the respondents violated §1-225(a), G.S., by discussing in executive session which member of the commission would represent the commission on the Interview Committee.

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 comply with the requirements of §1-225(a), G.S.

  
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Lisa Fein Siegel  
as Hearing Officer