

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Bradshaw Smith,

Complainant

against

Docket #FIC 2016-0525

Jody Terranova, Chairman,
Finance Committee, Town of
Windsor; Finance Committee,
Town of Windsor; and
Town of Windsor,

Respondents

January 25, 2017

The above-captioned matter was heard as a contested case on October 5, 2016, at which time the complainant and the respondents appeared. The respondents presented exhibits and argument on the complaint. The complainant refused to testify, argue, respond meaningfully to the hearing officer's questions, or offer any evidence in support of his complaint. The complaint would have been dismissed for failure to prosecute but for the respondents' desire to describe what had happened.

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 of complaint postmarked July 14, 2016, the complainant appealed to the Commission, alleging that the respondents held a meeting on June 15, 2016, and that all the doors to the building were locked at the time. The complainant requested that civil penalties be imposed against the Chairman of the respondent Committee, and against the Town Manager.
3. It is found that the respondent Committee held a properly noticed meeting from 6:30 until 6:42 p.m. in the Windsor Town Hall, on June 15, 2016. No portion of that meeting was conducted in executive session.
4. It is found that the doors to the Town Hall automatically lock after regular business hours, and need to be manually opened when events are held after hours.

5. The respondents acknowledged that the doors to the building were inadvertently left locked, and that the four town officials that were present at the meeting—three Committee members and the Town manager—entered using their key fobs. No members of the public attended the meeting.

6. It is found that the respondents were not aware that the complainant was at the door or had been unable to enter.

7. It is found that the Town Manager, by letter dated September 9, 2016, wrote a letter of apology to the complainant for the failure to ensure that the entrance was unlocked on June 15, 2016, and told the complainant that town staff would be reminded to verify that appropriate entrances to the Town Hall are unlocked for any public meeting, hearing, or event.

8. Section 1-225(a), G.S., provides in relevant part: “The meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public....”

9. It is concluded that the respondents inadvertently violated §1-225(a), G.S., by failing to ensure that the doors to the building in which the meeting was held were unlocked, or to take some other measure to ensure that members of the public could access the meeting. This conclusion is based solely on the respondents’ forthright willingness to admit their error.

10. At the commencement of the hearing, the complainant requested that the hearing officer recuse himself on ground of alleged bias. The complainant offered no evidence or argument in support of his request, which was denied.

11. At the hearing, the complainant refused to testify, present evidence, or argue in support of his complaint, or answer questions about his complaint.

12. When asked by the hearing officer why it was necessary to conduct a hearing if the complainant was not going to prosecute it, the complainant refused to answer.

13. The complainant also refused to either object or consent to the respondents’ offers of evidence (consisting of the letter of apology described in paragraph 7, above, and the minutes of the meeting).

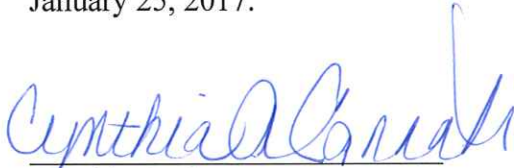
14. It is also found that the complainant never reviewed, or attempted to review, the minutes of the June 15, 2016 meeting to which he was denied access.

15. It is inferred from the complainant’s willful silence, refusal to participate, and lack of interest in the actual minutes of the meeting at issue, that his only purpose in appearing at the hearing was to inconvenience the respondents and the Commission.

16. It is concluded that the complainant abused the Commission's administrative process in order to harass the respondents.

No order by the Commission is recommended on the basis of the record concerning the above-captioned complaint.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 25, 2017.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Bradshaw Smith
23 Ludlow Road
Windsor, CT 06095

Jody Terranova, Chairman, Finance Committee, Town of Windsor; Finance Committee, Town of Windsor; and Town of Windsor
c/o James P. Welsh, Esq.
O'Malley Deneen
20 Maple Avenue
Windsor, CT 06095



Cynthia A. Cannata
Acting Clerk of the Commission