

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Kevin Ziegler,

Complainant

against

Docket #FIC 2017-0651

Chairman, Board of Fire Commissioners,
Town of Newington; Board of Fire
Commissioners, Town of Newington; and
Town of Newington,

Respondents

July 25, 2018

The above-captioned matter was heard as a contested case on March 2, 2018, 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. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter filed October 27, 2017, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by discussing his employment in executive session without notifying him prior to the event.
3. 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....”
4. Section 1-200(6), G.S., defines “executive sessions” to include, in relevant part:
“...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. It is found that the respondents held a special meeting on October 2, 2017, during which they convened in executive session to discuss an aspect of the complainant's employment.

6. It is found that the respondents did not notify the complainant that his employment would be discussed in executive session, and that he had the right to require that such session be conducted openly, prior to the session.

7. Nevertheless, it is found that the complainant happened to be in the building at the time of the executive session, and that the respondents became aware of this fact and invited him into the session for approximately one minute, during which time they handed the complainant a disciplinary letter regarding his employment.

8. It is concluded that the respondents violated §1-225(a), G.S., 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. Henceforth, the respondents shall strictly comply with the requirements of §1-225(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 25, 2018.



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:

KEVIN ZIEGLER, 105 Cedarwood Lane, Newington, CT 06111

**CHAIRMAN, BOARD OF FIRE COMMISSIONERS, TOWN OF NEWINGTON;
BOARD OF FIRE COMMISSIONERS, TOWN OF NEWINGTON; AND TOWN
OF NEWINGTON**, c/o Attorney Benjamin Ancona, Jr., Law Office of Benjamin Ancona
Jr., 360 Maple Hill Avenue, Newington, CT 06111



Cynthia A. Cannata
Acting Clerk of the Commission