

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Gino Legaz,

Complainant

against

Docket #FIC 2017-0340

Chairman, Parks and Recreation
Commission, Town of Wilton;
Parks and Recreation Commission,
Town of Wilton; and Town of Wilton,

Respondents

March 14, 2018

The above-captioned matter was scheduled to be heard as a contested case on August 14, 2017, at 11:00 a.m., at which time the respondents appeared with a witness. The complainant did not appear. The hearing officer issued a Report of Hearing Officer, dated August 25, 2017, dismissing the complaint for failure to prosecute. The Report was considered at the September 16, 2017 Commission meeting, at which time the complainant requested that the matter be reopened. The Commission granted the complainant's request. Thereafter, the matter was heard as a contested case on December 1, 2017, 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 email dated and filed on June 15, 2017, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to make the minutes of their May 10, 2017 meeting available within seven calendar days of that meeting.
3. Section 1-225(a), G.S., states in relevant part that:

The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours and shall also be recorded in the minutes

of the session at which taken, *which minutes shall be available for public inspection within seven days of the session to which they refer.* (Emphasis added).

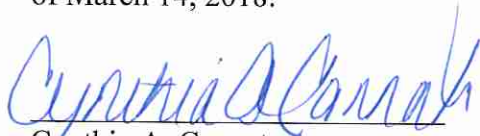
4. The respondents stipulated, and it is found, that the minutes of the May 10, 2017 meeting of the respondent commission were not filed and available for public inspection until May 24, 2017, fourteen days after the meeting.

5. It is concluded that the respondent commission violated the requirements of §1-225(a), G.S., when it failed to have minutes available for public inspection within seven days of its May 10, 2017 meeting.

6. At the hearing on this matter, the respondent chairman assured this Commission that while the respondent commission has, until this occasion, consistently filed the minutes of its meetings timely, he has implemented a process to ensure that all future minutes of their meetings are filed within seven days of the session to which they refer as required by §1-225(a), G.S.

Based on the record in this matter, no order is recommended.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 14, 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:

GINO LEGAZ, 56 McFadden Drive, Wilton, CT 06897

CHAIRMAN, PARKS AND RECREATION COMMISSION, TOWN OF WILTON; PARKS AND RECREATION COMMISSION, TOWN OF WILTON; AND TOWN OF WILTON, c/o Attorney Ira W. Bloom, Berchem, Moses & Devlin, P.C., 1211 Post Road East, Westport, CT 06880



Cynthia A. Cannata
Acting Clerk of the Commission