

## BOUCHARD VS TOWN OF COLCHESTER FOI COMPLAINTS HISTORY

COMPLAINT OF ILLEGAL 5/25 MEETING - (2017-0293)	COMPLAINT ON 5/25 MEETING TAPE (2017-358)
Board of Finance Meeting	May 25, 2017 Board of Finance Meeting
	May 26, 2017 Videotape of May 25 Meeting posted on Facebook
Memorial Day Weekend	May 27 to May 29 Memorial Day Weekend
Complaint Filed (2017-0293) BOS Held Illegal Meeting (quorum attending) BOS Illegally Interrupted the BOF Meeting BOF Held Illegal Meeting as Attendees Could Not Hear BOF Held Illegal Meeting as Phone Participants Were Not Identified	May 30, 2017
	June 16, 2017 BOF Correspondence Posted on town website w/emails to 2 citizens explaining technological difficulties in posting the Meeting Tapes
	June 19, 2017 Complainant comes to Town Hall to listen to audio tape, is told it is not available
	June 20, 2017 Complainant files complaint (2017-358)
	June 22, 2017 Tape is uploaded after Town IT person able to find audio file on A Migliaccio's I-phone
FOI Hearing - Complainant and attorney Ritter representing the Town - the hearing officer had previously viewed the video tape of the meeting and both sides presented.	August 1
	September 8 FOI Hearing - Tricia Dean and Town Attorney present, Complainant did not show.
	October 4 Recommendation of the Public Hearing Officer Released Complaint dismissed Complainant admonished wasting state and local resources by not informing FOI that she would not show.
	October 8 Memo sent to FOIC (cc to Town attorney is indicated) in which complainant" Explains why she did not show for the September 8 hearing, she references a prior phone conversation with T Hennick when she told him the hearing was not necessary and she was withdrawing her complaint as she had obtained a private copy of the tape <u>States that she was proposing terms for a settlement (for the complaint that she said she had withdrawn and after the hearing officer's recommendation to dismiss the complaint)</u> States that she had been deployed by the Red Cross and forgot the September 8 hearing and was being deployed again so asked that the October 25 FOIC agenda item be continued until their next meeting.
	October 25 Was put on the FOIC Meeting Agenda for final decision Complainant requested on October 8 continuance to the November 15 Meeting
	November 1 Board of Finance Meeting Complainant stated that had offered to drop the complaint if Town met her settlement terms, but had not heard back First Selectman stated that he had not received anything.

COMPLAINT OF ILLEGAL 5/25 MEETING (2017-0293)	COMPLAINT ON 5/25 MEETING TAPE (2017-358)
	<p>Complainant sends email to FOI, cc to BOF Chair, First Selectman, Attorney Ritter, Tricia Dean</p> <p>States there was a BOF discussion on her complaint and the legal costs to the town.</p> <p><i>There was no BOF discussion, complainant brought the complaint up during Citizen's Comments.</i></p> <p>Stated that First Selectman Shilosky said he would get back to her</p> <p><i>He did not.</i></p> <p>Stated she would withdraw her complaint if her terms were met which would save the Town the legal expense of November 15 hearing.</p> <p><i>The Town had already incurred the legal expense for research and for attending the hearing that the complainant did not show (expenses referenced in the Hearing Officers 10/4 report. The town was not attending the FOIC meeting in which the commission would rule on the HO recommendation to dismiss.</i></p> <p>Copy of her October 8 memo to FOIC was attached.</p>
	<p>November 15 FOIC Meeting Agenda Item for decision by Commission - Complainant asked for continuance to December 13</p>
	<p>November 21 Complainant sends email to First Selectman (cc to Ritter, Hennick, Tarlov) asking for a response to her settlement offer.</p> <p>In email First Selectman Shilosky respondent to Complainant: The Town support the recommendation of the Hearing Officer to dismiss the complaint with prejudice and expects the FOIC to affirm that recommendation at the December 13 meeting.</p>
	<p>December 13 FOIC Meeting Agenda Item for decision by Commission - Complainant did not attend and asked for continuance to January</p> <p>FOIC denied the continuance and accepted the Hearing Officer's recommendation to dismiss with prejudice and admonishment of the complainant</p>
<p>Hearing Officer releases her report and recommendation</p> <p>BOS did not hold an illegal meeting as their attendance at a BOF meeting did not constitute a meeting needing to be warned</p> <p>BOS member did not illegally interfere with the BOF Meeting</p> <p>BOF did not hold an illegal meeting nor violate the FOI Act as audio was clear on tape and no one complained at the meeting about hearing issues.</p> <p>BOF did not hold an illegal meeting, but did violate the FOI Act by not stating the last names of the telephone attendees and by not properly identify who was speaking each time on the telephone.</p>	<p>March 2, 2018</p>
<p>FOIC Meeting - Agenda Item for decision on complaint - at the complainant's request, the item was removed from the agenda and continued to the next meeting.</p>	<p>March 28, 2018</p>
<p>FOIC Meeting - Agenda Item for decision on complaint</p> <p>Complainant attended and spoke - Town was not represented</p> <p>FOIC adopted the Hearing Officers recommendations, but ordered FOI Training for BOF members and strongly suggested the same for BOS</p>	<p>April 25, 2018</p>