ETHICS COMMISSION OF THE TOWN OF GLASTONBURY *v.* FREEDOM OF INFORMATION COMMISSION ET AL.
(SC 18601)

Norcott, Palmer, Zarella, McLachlan, Eveleigh and Vertefeuille, Js.

Argued December 2, 2010—officially released August 9, 2011

Morgan P. Rueckert, for the appellant (plaintiff).

Mary E. Schwind, law department director, with whom, on the brief, was *Colleen M. Murphy*, general counsel, for the appellee (named defendant).

Frank F. Coulom, *Jr.*, and *Jeffrey J. White* filed a brief for the Connecticut Conference of Municipalities as amicus curiae.

Opinion

McLACHLAN, J. The plaintiff, the ethics commission of the town of Glastonbury, appeals[1] from the trial court's judgments dismissing the plaintiff's consolidated appeals from four decisions of the named defendant, the freedom of information commission (commission). In each decision, the commission had ordered the plaintiff to make and to maintain, for a period of three years, audio recordings of the plaintiff's executive sessions, or any other session closed to the public, after finding that the plaintiff had violated the open meetings provision of the Freedom of Information Act (act), General Statutes § 1-200 et seq., by convening in nonpublic sessions to discuss certain matters and further finding that the plaintiff had failed to comply with the commission's orders to amend its minutes to reflect those discussions. The dispositive issue on appeal is whether the commission's orders exceeded its remedial authority under the act. We conclude that they do, and, accordingly, we reverse the trial court's judgments dismissing the plaintiff's appeals.

The record reveals the following undisputed facts and procedural history. Effective August, 2003, the town of Glastonbury (town) adopted a code of ethics and established the plaintiff to investigate complaints of ethics violations. The four orders at issue in the present appeal arose in connection with unrelated meetings conducted by the plaintiff on September 13, 2004, December 13, 2004, January 10, 2005, and February 28, 2005, from which the public was excluded. In the September 13, 2004 meeting, the plaintiff went into executive session[2] for the stated purpose of "consider[-ing] written citizen communication containing potentially confidential information," specifically, a complaint filed by the defendant town resident Karen Emerick[3] alleging unethical conduct by members of the town council. Because the plaintiff had not yet finalized its procedures for addressing such complaints, it discussed how to respond to Emerick's complaint, but did not address the merits of her allegations. At the three later meetings, the plaintiff met in closed session to consider requests for advisory opinions from various individuals, at which the plaintiff determined that it lacked jurisdiction over the matters. Following each of the four meetings, Emerick, individually, or in combination with the defendant town resident Dana Evans, filed a complaint with the commission alleging that the plaintiff had violated the open meetings provision of the act, General Statutes § 1-225 (a).

Between ten months and one year after each of the challenged meetings, the commission issued final decisions on the complaints. In its August 10, 2005 final decision concerning the September 13, 2004 meeting, the commission concluded that the plaintiff had violated § 1-225 (a) by convening in executive session for

an improper purpose and directed the plaintiff to "cause minutes to be filed of the September 13, 2004 executive session." The order specified that "the minutes [shall] disclose what transpired . . . to the same degree as would have been revealed by conducting the session in public." On December 14, 2005, the commission issued final decisions concerning the three closed meetings held between December, 2004, and February, 2005, which in all relevant respects mirrored its final decision and order relating to the September 13, 2004 meeting. The plaintiff did not appeal from those decisions.

After the plaintiff filed amended minutes summarizing its actions at each of the challenged meetings, Emerick individually, or in combination with Evans, filed complaints with the commission alleging that the amended minutes were not in compliance with the commission's orders. The commission first issued its decision with respect to the minutes of the September 13, 2004 meeting, concluding that the plaintiff had not complied with the commission's order because the minutes did not disclose what had transpired to the same degree as would have been revealed by conducting the session in public. With respect to relief, the commission concluded "that it would [not] be fruitful to continue to order the [plaintiff] to comply with its order . . . given the apparent resistance of the majority of [the plaintiff's members] to comply, the passage of time, and the turnover in the [plaintiff's] membership."[4] The commission determined, however, that meaningful relief was necessary "to rectify the denial of the public's right to attend the September 13, 2004 meeting in its entirety, and to rectify the denial of the public's right to have the [plaintiff] comply with an order of the [c]ommission to create minutes of executive sessions or other closed meetings of the [plaintiff] . . . ." To provide such relief, the commission issued the following order: "Beginning [ninety] days following the issuance of this final decision, and continuing for a period of three years thereafter, the [plaintiff] shall make and maintain an electronic audio recording of each of its executive sessions, or any other meeting of the [plaintiff] that is closed to the public. All such audio recordings shall be preserved for the entire three year period . . . . The [plaintiff] may withhold from public disclosure each such audio recording unless it is found by the [c]ommission that the session so recorded was held in violation of § 1-225 . . . ." The commission set forth the following procedure under which it would make such a finding: "In the event that a complaint is filed alleging a violation by the [plaintiff] of the open meetings provision of the . . . [a]ct, such recordings shall be made available to the [c]ommission for in camera inspection." In its later decisions addressing the minutes for the three meetings held between December, 2004, and February, 2005, the commission made identical findings and issued identical orders.

The plaintiff appealed from the commission's decisions to the Superior Court, challenging the orders principally on statutory grounds. First, the plaintiff contended that such prospective relief exceeded the commission's remedial authority under General Statutes § 1-206 (b) (2). Second, the plaintiff contended that the orders violated: (1) the legislature's intent to allow the recording of public meetings only, not executive sessions, as reflected in General Statutes §§ 1-225 and 1-226, as well as rejected amendments to the act that would have required the recording of executive sessions; (2) the protection afforded to confidential communications between the plaintiff and its attorney relating to litigation, as reflected in General Statutes § 1-210 (b) (10); and (3) the bar against disclosure of confidential information in complaints and investigations relating to allegations of unethical conduct by public officials under General Statutes §§ 1-82a and 7-148h. Third, the plaintiff contended that the orders would have an undue chilling effect on its ability to engage in the aforementioned confidential communications. Finally, the plaintiff challenged the substantive basis for the commission's orders, claiming that it substantially had complied with the initial orders to amend the minutes and that the subsequent orders were an abuse of discretion.

Pursuant to motions filed by the plaintiff, the trial court stayed the commission's orders pending appeal, and consolidated the appeals for hearing. In its memorandum of decision, the court limited its analysis to the questions of whether the orders had exceeded the commission's remedial authority under the act and whether the legislature had intended to preclude the recording of executive sessions. As to the first question, the court concluded that the commission's authority was not limited to the specific remedies provided in § 1-206 (b) (2), because "the commission has broad authority to fashion individualized remedies as befits the particular appeal that comes before it, as long as the remedy is specifically tailored 'to rectify the denial of any right conferred by the . . . [a]ct.' " The court also concluded that there was no statutory bar to ordering the recording of executive sessions. Accordingly, the trial court dismissed the appeals.[5] This appeal followed.

Although the plaintiff renews all of the claims that it had raised before the trial court, the dispositive issue, in our view, is whether an order prospectively directing the plaintiff to record its executive sessions for the next three years exceeds the commission's remedial authority under the act. We conclude that it does.

"It is well established that an administrative agency possesses no inherent power. Its authority is found in a legislative grant, beyond the terms and necessary implications of which it cannot lawfully function. *Adam*

v. *Connecticut Medical Examining Board*, 137 Conn. 535, 537–38, 79 A.2d 350 (1951)." (Internal quotation marks omitted.) *Nizzardo* v. *State Traffic Commission*, 259 Conn. 131, 155, 788 A.2d 1158 (2002). Indeed, "[a]n administrative agency, as a tribunal of limited jurisdiction, must act strictly within its statutory authority. . . . It is a familiar principle that [an administrative agency] which exercises a limited and statutory jurisdiction is without jurisdiction to act unless it does so under the precise circumstances and in the manner particularly prescribed by the enabling legislation." (Citation omitted; internal quotation marks omitted.) Id., 156.

The specific question before us, therefore, is whether the legislative grant of remedial authority to the commission under § 1-206 (b), by its express terms or necessary implication, authorizes the commission to issue the prospective relief ordered in the present case. Because the question is one of statutory construction, we afford plenary review, guided by well established principles regarding legislative intent. See *Hartford/Windsor Healthcare Properties, LLC* v. *Hartford*, 298 Conn. 191, 197–98, 3 A.3d 56 (2010) (explaining plain meaning rule under General Statutes § 1-2z and setting forth process for ascertaining legislative intent).

We begin with the text of § 1-206 (b) (2), which provides in relevant part: "In any appeal to the . . . [c]ommission under subdivision (1) of this subsection or subsection (c) of this section, the commission may confirm the action of the agency or order the agency to provide relief that the commission, in its discretion, believes appropriate to rectify the denial of any right conferred by the . . . [a]ct. The commission may declare null and void any action taken at any meeting which a person was denied the right to attend and may require the production or copying of any public record. In addition, upon the finding that a denial of any right created by the . . . [a]ct was without reasonable grounds . . . the commission may, in its discretion, impose against the custodian or other official a civil penalty of not less than twenty dollars nor more than one thousand dollars. . . ."

In the present case, the commission did not order any of the remedies specified in the second sentence of the statute or impose the penalty specified in the third sentence of the statute. Therefore, this appeal turns on the meaning of the first sentence, authorizing the commission to "order the agency to provide relief that the commission, in its discretion, believes appropriate to rectify the denial of any right conferred by the . . . [a]ct." General Statutes § 1-206 (b) (2). In considering this question, we are mindful that "an administrative agency's discretion as to what penalty to impose is not completely unfettered, and the matter of choice of remedies is open to a limited review to the extent of providing safeguards against statutory or constitutional

excesses." 2 Am. Jur. 2d 388, Administrative Law § 453 (2004).

In its brief to this court, the plaintiff initially contended that the first sentence simply confers discretion on the commission to choose any of the remedies provided in the second and third sentences, or a combination thereof. At oral argument, however, the plaintiff modified its position and conceded that the first sentence authorizes the commission to order relief separate and apart from the remedies provided in the other two sentences. The plaintiff nonetheless posited that such relief is limited to that which would rectify a right previously denied to the complainants, such as an order deeming void actions taken at an improperly closed meeting, and does not include prospective relief to remedy a violation of the act that has not yet occurred.

Conversely, the commission contends that § 1-206 (b) (2) confers on it broad discretion. It contends that the statute must be construed to allow it to order prospective relief, because some violations cannot be corrected and the violator must face some consequences for its actions. As an example, the commission cites instances in which a public agency has violated the dictate that it must provide public records "promptly." General Statutes § 1-212 (a). The commission asserts that, in many such cases, prospective relief is "a more appropriate method of rectifying the wrong than the issuance of a civil penalty." We agree with the plaintiff to the extent that the act does not authorize the commission to impose an obligation that the act itself does not demand and that bears no direct remedial effect on the violation established by the complaint.

To "rectify" simply means to "make or set right" or "remedy." Webster's Third New International Dictionary (1993); Random House Dictionary of the English Language (2d Ed. 1987). The "denial" in § 1-206 (b) (2) appears to refer to the particular refusal of the public agency or official to afford a member, or members, of the public a right conferred under the act. Therefore, the phrase "rectify the denial" in § 1-206 (b) (2) would appear to mean corrective measures to make right a past wrong. Indeed, such an interpretation is consistent with the expressly authorized remedies in § 1-206 (b) (2)—namely, to "declare null and void any action taken at any meeting which a person was denied the right to attend" and to "require the production or copying of any public record." Although § 1-206 (b) (2) imposes a clear limitation on the relief to the extent that it must accomplish this purpose, it does not expressly address the type of prospective relief ordered in the present case. Indeed, whether any particular remedy is tailored to rectify the denial of a right under the act necessarily will turn on the nature of the violation, including whether the complaint involves a discrete or continuous violation of rights under the act. Therefore, we turn to

the specific rights found by the commission to have been violated.

The commission's decisions cited as the denied rights to be rectified: "the public's right to attend the [September 13, 2004, December 13, 2004, January 10, 2005, or February 28, 2005 meetings] . . . and . . . the public's right to have the [plaintiff] comply with an order of the [c]ommission to create minutes of executive sessions or other closed meetings of the [plaintiff] . . . ." It is clear, however, that recording future executive sessions would not rectify the exclusion of the complainants, or the public, from the four closed meetings. Nor would such future recordings rectify the plaintiff's failure to provide sufficiently detailed minutes of the meetings from which the complainants were excluded, the provision of which was intended to rectify that exclusion. With respect to the commission's right to obtain compliance with its orders, as the Appellate Court recently noted, "the legal right at issue in any given complaint to the commission belongs to the complainant, not the commission. It is the complainant's interest that the commission is tasked with vindicating, not its own." *Dept. of Public Safety* v. *Freedom of Information Commission*, 103 Conn. App. 571, 582, 930 A.2d 739, cert. denied, 284 Conn. 930, 934 A.2d 245 (2007).

Thus, we are left with the question of whether the act authorizes the commission to order the plaintiff to record future executive sessions because the plaintiff possibly may, in the future, improperly consider matters in executive or closed sessions that should have been considered in public meetings and the commission may want to use those recordings to ensure that a public record can be made available, if necessary. We conclude that it does not.

The legislature has provided specific sanctions in the act to deter future violations. As previously noted, an unreasonable denial of a right under the act exposes a public official to civil penalties. General Statutes § 1-206 (b) (2). A public official's failure to comply with an order from the commission exposes the official to potential criminal sanctions. General Statutes § 1-240 (b) ("[a]ny member of any public agency who fails to comply with an order of the . . . [c]ommission shall be guilty of a class B misdemeanor and each occurrence of failure to comply with such order shall constitute a separate offense"). Although the commission chose not to pursue either of these sanctions,[6] their availability undermines the commission's contention that the authority to issue relief that bears no connection to remedying a past violation of the act is either authorized by § 1-206 (b) (2) or as a necessary implication of the authority conferred on the commission by the act.

Nor does the genealogy and legislative history of § 1-206 (b) (2) suggest that the legislature intended to confer such sweeping authority on the commission. The

language at issue in the present case was adopted in 1977. Public Acts 1977, No. 77-609, § 6 (P.A. 77-609). Prior to July, 1977, § 1-206 (b), then codified at General Statutes (Rev. to 1977) § 1-21i (b), provided in relevant part: "Any person denied the right to inspect or copy records . . . or wrongfully denied the right to attend any meeting of a public agency may appeal therefrom . . . to the . . . commission . . . . Said commission shall . . . decide the appeal . . . by confirming the action of the agency *or ordering the agency to comply forthwith*. It may, in its sound discretion, declare any or all actions taken at any meeting to which such person was denied the right to attend null and void."[7] (Emphasis added.) An order to comply forthwith, i.e., immediately, or an order declaring an action void would simply compel compliance with a preexisting obligation under the act or render invalid an act not in conformity with those obligations. It reasonably would not encompass authority to issue a mandatory injunction to compel conduct not otherwise required under the act to address a potential future violation of the act.

Significantly, the commission drafted and proposed the amendments to the statute in 1977, which the legislature ultimately adopted as part of P.A. 77-609, § 6. See 20 S. Proc., Pt. 9, 1977 Sess., p. 3478; Conn. Joint Standing Committee Hearings, Government Administration and Policy, Pt. 2, 1977 Sess., pp. 422, 426–27. Public Act 77-609, § 6 (b), amended General Statutes (Rev. to 1977) § 1-21i (b) by adding the following language, indicated in capital letters: "Any person denied the right to inspect or copy records under section 1-19 . . . or wrongfully denied the right to attend any meeting of a public agency *OR DENIED ANY OTHER RIGHT CONFERRED BY SECTIONS 1-15, 1-18a, 1-19 TO 1-19b, INCLUSIVE AND 1-21 TO 1-21k,*[8] *INCLUSIVE* . . . may appeal therefrom . . . to the . . . commission . . . . Said commission shall . . . decide the appeal . . . by confirming the action of the agency or ordering the agency to comply forthwith *WITH SUCH RELIEF AS THE COMMISSION, IN ITS SOUND DISCRETION, BELIEVES APPROPRIATE TO RECTIFY THE DENIAL OF ANY RIGHT CONFERRED BY SAID SECTIONS. . . . SUCH ORDER MAY DECLARE* any and all actions taken at any meeting to which such person was denied the right to attend null and void *AND MAY REQUIRE THE PRODUCTION OR COPYING OF ANY PUBLIC RECORD*." (Emphasis added.) In a statement submitted to the legislature, the commission explained that the purpose of the amendments was to "clarify" that there was a right to appeal from a denial of *any* right provided under the act, not just the right to inspect or copy documents or to attend meetings, and that there was a remedy for a violation of any such right. Conn. Joint Standing Committee Hearings, supra, pp. 426–27.[9] There is no suggestion in the commission's explanation that its existing remedial authority was inadequate to remedy

denials of those rights already enumerated, nor any suggestion that the commission was seeking a significant expansion of that authority to include relief that does not remediate a past violation of a right or rights conferred under the act. Nor is there any such indication in the brief remarks on the floor of the Senate explaining the amendments. See 20 S. Proc., supra, pp. 3477–78.[10]

The commission claims, however, that its authority necessarily must be construed to allow it to order prospective relief that does not directly remedy a past violation because there are cases in which the past injury cannot be rectified, and that there must be meaningful consequences for noncompliance. We disagree. We first point out that the present case is not one in which there were no other methods available to rectify the denial of the complainants' right to attend the meetings at issue. The commission could have declared all actions taken at those meetings null and void and ordered the plaintiff to reconvene those meetings in public. Moreover, the commission could have expedited its resolution of the complaints under § 1-206 (b) (1) of the act, which establishes an expedited process for hearing appeals that concern an agency's decision to meet in executive session which undoubtedly would have increased the likelihood that the plaintiff would have been better able to reconstruct detailed minutes of those meetings. Finally, as we previously noted, the legislature has authorized specific sanctions to deter future denials. See General Statutes §§ 1-206 (b) (2) and 1-240 (b).

We are mindful that, for many years, the commission has issued certain types of orders that have prospective effect. Specifically, the commission regularly has ordered agencies or officials "henceforth" to act in strict accordance with the act generally or with a specific provision of the act, and, in connection with such orders, it periodically has ordered officials to attend educational workshops on the act.[11] Although the propriety of such orders is not before us in the present case, we note that they are substantively distinguishable from the orders in the present case. Orders directing an agency or official to comply henceforth with the act do not impose a new legal obligation, but, instead, simply give further effect to the legal obligations already imposed under the act. Moreover, such orders may help to effectuate the sanctions provided for in the act by putting the agency or official on notice that future noncompliance may expose the offending actor to civil or criminal penalties. Similarly, orders requiring public officials to participate in training sessions provide a basis from which the commission can ascertain whether such sanctions are warranted. By contrast, orders requiring the plaintiff to record executive sessions impose an obligation beyond those required under the act, expose the plaintiff to the possibility of criminal sanctions for violating orders that do not rectify the

denial of a right under the act and bear no direct connection to the enforcement of sanctions under the act. Indeed, the plaintiff's failure to record an executive session would violate the commission's orders, even if the plaintiff properly conducted the closed session.

The present case does not require us to make any broad pronouncements. Rather, we simply must determine whether the commission has authority to issue the particular orders in the present case, either under the specific terms of the statute or as a matter of a necessary implication of its authority under the act. Because the orders do not "rectify the denial of any right conferred by the . . . [act]"; General Statutes § 1-206 (b) (2); we answer that question in the negative. Accordingly, we conclude that the trial court improperly concluded that the commission had authority under § 1-206 (b) (2) to order the plaintiff to make and to maintain audio recordings of its executive or closed sessions for the next three years.

The judgments are reversed and the cases are remanded with direction to render judgments in favor of the plaintiff.

In this opinion NORCOTT, ZARELLA, EVELEIGH and VERTEFEUILLE, Js., concurred.

[1] The plaintiff appealed from the trial court's judgments to the Appellate Court, and we transferred the appeal to this court pursuant to General Statutes § 51-199 (c) and Practice Book § 65-1.

[2] " '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; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210 [setting forth exemptions to public records]." General Statutes § 1-200 (6).

[3] Emerick, a complainant in all four cases before the commission, and Dana Evans, a complainant in three of the four cases, also were named as defendants in each appeal. Emerick and Evans have adopted the brief of the commission as stating their position. For convenience, we refer to Emerick and Evans collectively as the complainants and individually by name.

[4] In its decisions finding that the amended minutes for the December 13, 2004, January 10, 2005, and February 28, 2005 meetings also did not comply with its orders, the commission acknowledged the validity, "to a certain extent," of the plaintiff's contention that it was difficult to recreate the minutes to the same degree as if the discussions had been conducted in public, but faulted the plaintiff for failing to provide evidence of the steps its members had taken to attempt compliance.

[5] The plaintiff unsuccessfully sought an articulation as to certain overlooked claims, but later obtained limited relief from the Appellate Court, which directed the trial court to articulate the factual and legal basis for rejecting two of the plaintiff's claims. Neither claim is necessary to our

resolution of the present appeal.

[6] Although the complainants requested a civil penalty in the cases involving the December 13, 2004, January 10, 2005, and February 28, 2005 meetings, the commission declined to assess such a penalty because it did not believe such action would lead to compliance with its orders.

[7] At that time, like the present, the commission also had the authority to impose a civil penalty, and noncompliance with the commission's orders could be punished as a criminal act. General Statutes (Rev. to 1977) §§ 1-21i (d) and 1-21k (b).

[8] Broadly characterized, these provisions deal with incidental matters necessary to effectuate the essential rights of access to public records and meetings, such as prompt compliance with requests, notice and conduct requirements for public hearings, and limits on fees to be charged for copying public records.

[9] With respect to the additional grounds for appeal, set forth in lines 371 through 377 of the proposed amendment, the commission explained: "This amendment would clarify the point that a person may appeal to the [c]ommission from not only the denial of the right to inspect or copy records, or from the denial of the right to attend a meeting of a public agency, but also from the denial of any other right conferred by the [act]. We believe that the legislature did not intend to create rights in the [act] and then not provide a remedy. To conclude otherwise would be to render the [c]ommission a paper tiger." Conn. Joint Standing Committee Hearings, supra, p. 426. With respect to its proposed amendment addressing its remedial authority, the commission explained: "This amendment would permit the [c]ommission to order that a public agency comply with such relief as the [c]ommission, in its sound discretion, believes appropriate to rectify the denial of any right conferred by this [a]ct, including the production or copying of any public record. The purpose of this revision is to clarify the powers of the commission in terms of fashioning appropriate relief for the denial of any right conferred by the [act]. *This is in conformity with the proposed amendments included in lines 371–377, and is offered for the same reasons*." (Emphasis added.) Id., p. 427.

[10] Senator Audrey P. Beck explained the amendments to General Statutes (Rev. to 1977) § 1-21i (b) as follows: "Expand the grounds for appeal to the commission from denial of the right to inspect or copy records and to attend meetings, to denial of any rights incurred by the statutes pertaining to public meetings and records. Extend the time allowed for filing an appeal to the commission from [fifteen] to [thirty] days. Extend the time limit for a decision by the commission from [fifteen] to [thirty] days after the hearing. Specify that the . . . [c]ommission in ordering compliance may order such relief as it believes appropriate to rectify the denial of the rights, including production or copying of a public record. Require that notice of an appeal be given by leaving a copy of the notice at the office of the commission, rather than at the home of the [c]hairman or [s]ecretary as currently required. Most of the proposals were initiated by the commission enforcing the statute at present, based upon their experience and the belief that this would make it both tighter and more realistic to implement . . . ." 20 S. Proc., supra, pp. 3477–78.

[11] In addition to the commission's own decisions cited in its brief to this court, both this court and the Appellate Court have considered the question of whether an appeal from the commission had been rendered moot when the agency or official had complied with the complainant's request but was subject to an order by the commission requiring the agency or official to comply with the act in the future. See *Director, Retirement & Benefits Services Division* v. *Freedom of Information Commission*, 256 Conn. 764, 769 and n.9, 775 A.2d 981 (2001); *Domestic Violence Services of Greater New Haven, Inc.* v. *Freedom of Information Commission*, 240 Conn. 1, 6, 8–9, 688 A.2d 314 (1997); *Glastonbury Education Assn.* v. *Freedom of Information Commission*, 234 Conn. 704, 707 n.3, 663 A.2d 349 (1995); *Gifford* v. *Freedom of Information Commission*, 227 Conn. 641, 648–49 and n.9, 631 A.2d 252 (1993); *Kelly* v. *Freedom of Information Commission*, 221 Conn. 300, 306, 312–13, 603 A.2d 1131 (1992); *Board of Pardons* v. *Freedom of Information Commission*, 210 Conn. 646, 647–50, 556 A.2d 1020 (1989); *Zoning Board of Appeals* v. *Freedom of Information Commission*, 198 Conn. 498, 500–502, 503 A.2d 1161 (1986); *Chief of Police* v. *Freedom of Information Commission*, 52 Conn. App. 12, 14–15, 724 A.2d 554 (1999), aff'd, 252 Conn. 377, 746 A.2d 1264 (2000); *Dept. of Public Safety* v. *Freedom of Information Commission*, 51 Conn. App. 100, 102 n.5, 720 A.2d 268 (1998). The courts concluded in each case that the plaintiff was aggrieved

by such a prospective order, and that the appeal was not moot, but did not consider whether the commission had authority to issue such orders.