

OFFICIAL COMPLAINT TO the

Freedom of Information Commission
18-20 Trinity Street
Hartford, CT 06106

On August 1, 2017, Tuesday, at or about 7:30am, Republicans Michael Riccio/Southington Town Council Chairman, Victoria Triano/Southington Town Council Member, Paul Champagne/Southington Town Council Member and Thomas Lombardi/Southington Town Council Member met at Mr. Michael Fasulo's office, a local accountant and friend of Mr. Riccio, at 16 Cornerstone Court #4, Plantsville, CT, for a meeting called by Mr. Riccio. *The fact that these four individuals met is not disputed by any of the parties who attended this meeting.*

That Ms. Cheryl Lounsbury/Southington Town Council Vice-Chairwoman and Mr. Edward Pocock III/Southington Town Council Member, also Republicans, were not invited, nor in attendance. *These are not disputed facts.*

GOP candidates, William Dziedzic and Peter Santago, who are running for Town Council in Mr. Pocock and Ms. Lounsbury's respective seats, did not attend. *These are not disputed facts.*

That Mr. Christopher Palmieri/Southington Town Council Minority Leader and Mr. John Barry/Southington Town Council Member, all Democrats, were not invited, nor in attendance. *These are not disputed facts.*

Mr. Lombardi, Ms. Triano and Mr. Champagne have all asserted, either privately or publicly, that the meeting was for the purposes of determining "campaign" strategy and that no matters concerning town business were discussed or decided upon. *These are disputed facts.*

Ms. Dawn Miceli/Southington Town Council Member, a Democrat, has also asserted, either privately or publicly, that she was not involved in such a meeting and the contents of discussions. *This is a disputed fact.*

This complaint alleges the following:

That the above-named Republicans met and during their meeting, issues concerning Town Council official matters became subject matter when Ms. Miceli was called and asked for her opinion/commitment on both the current controversy over the placement of a Christopher Columbus statue (an action taken by the Town Council several months ago and is supported by an article in the Bristol Press) and, more importantly, the hiring of Mr. Mark Sciota as Town Manager for the Town of Southington upon Mr. Garry Brumback's retirement.

That these individuals did in fact meet illegally and violated CT General Statutes and/or regulations under the FOI Act and in by doing so, we, along with the population of Southington, have been denied a right guaranteed by the Freedom of Information Act to wit:

1-255(a) The meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public; and

Any other statutory and/or administrative case law violations that have been defined by the commission and/or Superior Court.

Testimony, under oath, will...

TUESDAY AUGUST 1, 2017 activities

Find Mr. Palmieri, a Democrat, affirming that he received a phone call from Ms. Miceli where she affirmed a meeting of Republicans that morning, minus Ms. Lounsbury and Mr. Pocock, and her commitment to them to support Mr. Sciota. Ms. Miceli made no mention of other items discussed to Mr. Palmieri. Mr. Palmieri will also affirm that he was never invited to such a meeting.

Find that Mr. Garry Brumback/Town Manager did officially notify the members of the Southington Town Council of his decision to retire at 8:45am.

Find Mr. Pocock affirming that he received a phone call from Mr. Palmieri on August 1, 2017, at or about 9:30am, after Mr. Palmieri's conversation with Ms. Miceli that morning, to affirm that what Ms. Miceli said was true. Mr. Pocock will affirm that he was never notified of such a gathering, nor asked of his input or the contents of conversation inside that meeting.

Find Ms. Lounsbury and Mr. Barry, a Democrat, too were not notified of such a meeting, nor asked concerning their input.

Mr. Pocock will further affirm that he talked to Mr. Lombardi on August 1, 2017, at about 5:00pm, to which Mr. Pocock was informed that Mr. Riccio had garnered five votes to support the immediate hiring of Mr. Sciota, that Mr. Riccio would be cancelling the regular meeting of August 14, 2017, so that one of the five who could not attend could now attend to make this action occur and that he supported the hiring of Mr. Sciota without a process.

WEDNESDAY AUGUST 2, 2017 activities

Find that the Record Journal reporter, Jesse Buchanan, an indifferent person, interviewed several town council members that culminated in a story on this date titled: "Southington councilors, parties divided over how to replace manager". Ms. Miceli reaffirms her support while Mr. Lombardi notes that it's too early to comment on how the job will be filled, a position completely opposite of information provided to Mr. Pocock. Mr. Pocock is quoted in the article as saying, consistent with information provided to him, that "It sounds to me like they've locked down five votes." The same article affirms the positions of Mr. Barry, Mr. Palmieri and Ms. Lounsbury.

Find Mr. Pocock affirming that he contacted Mr. Champagne on August 2, 2017, at about 12:38pm, and discussed with him the issue of the meeting and the exclusion of other members. Mr. Champagne noted that it was a "campaign meeting" called by Mr. Riccio and that Mr. Pocock and Ms. Lounsbury were excluded due to the fact they were not running for re-election. Mr. Pocock will affirm that he was told by Mr. Champagne, like information provided by Mr. Lombardi, that Mr. Riccio would be cancelling the August 14, 2017 regular meeting because Ms. Triano, one of the group of five that committed to this action on August 1, 2017, could not attend due to a vacation out of state and would hinder the ability to take action on the 14th of August.

Ms. Lounsbury will testify that Ms. Miceli, Mr. Riccio, Mr. Lombardi, Mr. Champagne and Ms. Triano are keenly aware of Mr. Barry, Mr. Pocock, Mr. Palmieri and her desire to have an open and transparent hiring process for the Town Manager, thus their exclusion was planned.

Find Mr. Palmieri affirming discussions with Ms. Miceli where she refuses to note when and how she committed to Mr. Riccio and the other Republicans.

THURSDAY AUGUST 3, 2017 activities

Find that Mr. Riccio did in fact cancel the August 14, 2017, regular town council meeting and reschedule a special meeting on August 21, 2017, to accommodate Ms. Triano, yet exclude Mr. Pocock, who would be away but could have attended the August 14, 2017, regular meeting date. These actions match decisions made during the alleged illegal meeting on August 1, 2017. Find that Mr. Pocock filed a protest concerning this meeting movement with no reply from Mr. Riccio.

Find that under oath, Mr. Brumback will testify that Mr. Riccio needed to move the meeting to accommodate one of the five committed parties and likely other information concerning Mr. Riccio's intent.

Find that Mr. Pocock will testify that he received an email from Ms. Triano where she notes the lack of any misdeeds, never mentions Ms. Miceli, other matters discussed and states that Mr. Riccio stopped discussion on Mr. Brumback's retirement. Ms. Triano, a former Town Council Chairwoman, is acutely aware of what constitutes an illegal meeting and Mr. Pocock's testimony will produce said email and its erroneous contents to protect Mr. Riccio's illegal actions.

FRIDAY AUGUST 4, 2017 activities

Find that the Record Journal reporter, Jesse Buchanan, an indifferent person, interviewed several town council members that culminated in a story on this date titled: "Meeting date moved as town manager issue divides Southington council". In the article, Mr. Champagne noted that Mr. Riccio moved the meeting to accommodate councilors who could not be present, although by moving such a meeting, the four uninvited town council members were not asked about their availability. Mr. Champagne noted that at this meeting there was a straw poll and that they agreed that "Mr. Sciota was a viable candidate." Ms. Miceli notes that she was contacted by phone by Mr. Riccio on August 1, 2017.

Mr. Palmieri will affirm that Ms. Miceli would not comment to him when she was called when asked and that he was not asked if he could attend the August 21, 2017, special meeting.

Mr. Barry will affirm that he was not asked if he could attend the August 21, 2017, special meeting.

Ms. Lounsbury will affirm she was not asked if he could attend the August 21, 2017, special meeting.

Mr. Pocock will affirm he was not asked if he could attend the August 21, 2017, special meeting and, in fact, Mr. Pocock, if asked, would have informed Mr. Riccio that he could not attend due to a professional engagement out of state.

Find that the Bristol Press reporter, Brian Johnson, an indifferent person, interviewed several town council members that culminated in a story on this date (published time of 9:34pm), titled, "2 Democratic councilors accuse Southington GOP bloc of holding 'backroom meeting' ". In the article, new information concerning the depth of conversations becomes apparent. Mr. Champagne admits that Ms. Miceli was in

fact called during the meeting of four Republicans to discuss a proposed Columbus statue due to her membership in UNICO, a local Italian club. This issue was only discovered due to this article being published.

Find that under oath and penalty of perjury, Ms. Miceli will divulge that she was in fact called by Mr. Riccio during this meeting.

SUMMARY

Find that under oath, Mr. Riccio did arrange, deceive, concoct and enact plans to hold such an illegal meeting and carry out activities that would make such illegally discussed matters occur under his authority as Chairman of the Southington Town Council.

Find that under oath, Ms. Triano's assertions to Mr. Pocock were a combination of fabrications and omissions designed to deceive Mr. Pocock and that Ms. Miceli was, in fact, called on TWO issues of concern to the Town Council as an official matter were discussed.

Find that under oath, Ms. Miceli did in fact collaborate with Mr. Riccio, Mr. Champagne, Ms. Triano and Mr. Lombardi to discuss TWO issues of concern to the Town Council as an official matter.

Find that under oath, Mr. Champagne will affirm his statement concerning Ms. Miceli being called and that he was deceived into believing this was an actual campaign meeting by Mr. Riccio, when, in fact, Mr. Riccio knew about Mr. Brumback's retirement and schemed to promote his agenda.

Find that under oath, Mr. Lombardi will affirm that such discussions as described herein did take place, to which Ms. Miceli was a participant and that he was deceived into believing this was an actual campaign meeting by Mr. Riccio, when, in fact, Mr. Riccio knew about Mr. Brumback's retirement and schemed to promote his agenda.

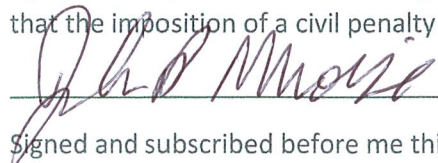
Find that under oath, GOP candidates, William Dziedzic and Peter Santago, who are running for Town Council in Mr. Pocock and Ms. Lounsbury's respective seats, were not invited, nor did they attend, a meeting that was supposedly meant for "campaign" reasons further exposing the scheme.

Find that under oath, Mr. Barry, Mr. Palmieri, Mr. Pocock and Ms. Lounsbury were not party to this illegal meeting or the activities conducted to enact items discussed but will provide information concerning other information that may not be included in this document.

FIND THAT THE MEETING HELD ON AUGUST 1, 2017, BY MR RICCIO WAS ILLEGAL AND IN VIOLATION OF THE FOI ACT AND ANY OTHER APPLICABLE GENERAL STATUTES.

REMEDY

Upon deciding that this was an illegal meeting the Freedom of Information Commission, I hereby request that the imposition of a civil penalty (fine) be imposed as noted under Section 1-206(b) of the Act.



Signed and subscribed before me this _____ of August 2017 _____

Notary seal