

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Jeffry Reisman, Complainant) Report of Hearing Officer
against) Docket #FIC76-119

State of Connecticut; The Univer-) August 25, 1976
sity of Connecticut; Town of)
Ashford; Ashford Board of Education)
Town of Mansfield; Mansfield Board)
of Education; E.O. Smith Study)
Committee, Respondents)

The above captioned matter was heard as a contested case on August 9, 1976, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. On June 23, 1976 there was a meeting of a group which, for the purposes of this case, shall be referred to as the "E.O. Smith Study Committee" or "the committee". The committee consists of representatives of the University of Connecticut, the Town of Ashford and its Board of Education and the Town of Mansfield and its Board of Education.

2. The university, towns and boards of education named in paragraph 1, above, are public agencies as defined in §1(a) of P.A. 75-342.

3. The purpose of the June 23, 1976 meeting was to discuss the reduction or elimination of the University of Connecticut General Fund contribution to the E.O. Smith School.

4. The committee's authority is limited to discussion and the reporting of information and recommendations to the public agencies which the individual members represent.

5. The respondents admit that they did not meet the provisions of P.A. 75-342 as to the notice and conduct of the June 23, 1976 meeting of the E.O. Smith Study Committee. Likewise, they admit that minutes of that meeting were not kept and a record of the votes of each member was not recorded or published in accordance with the aforesaid Act.

6. The present complaint was filed with this Commission on July 8, 1976.

7. In view of the above, the question remains as to

whether or not the E.O. Smith Study Committee is itself a public agency within the meaning of P.A. 75-342 and therefore its meeting of June 23, 1976 was subject to the provisions of that Act.

8. Although the committee is composed of representatives of public agencies, it has not been delegated, nor does it exercise, any of the executive, administrative or legislative functions of those agencies. Its members are appointed representatives whose authority is limited to discussing a funding problem and providing information and recommendations to their respective agencies. The constituent public agencies are, of course, subject to the provisions of P.A. 75-342. But the committee is really nothing more than an informational vehicle of the agencies that sponsor it, and as such, does not itself constitute a public agency. Consequently, the meeting of June 23, 1976 was not a meeting of a public agency to which P.A. 75-342 applies. In this regard, it should be noted that there was no showing that a quorum of any multiple-member public agency was present at the meeting in question.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The complaint is hereby dismissed.
2. The Commission recommends that even though the E.O. Smith Study Committee is not itself subject to P.A. 75-342, the public policy of the State of Connecticut, as expressed by the Freedom of Information Act, would be well served if the committee ~~complies~~ complies with the provisions of that Act.

Helen M. Loy
Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on September 8, 1976.

Louis J. Tapogna
Louis J. Tapogna as
Clerk of the Commission