

9. It is found that the respondent commission has supervision, control, jurisdiction or advisory power over the regulated property that was the subject of surveillance on July 15, 1977.

10. It was not proved whether any discussion or action occurred during the gathering on July 15, 1977 concerning the subject property.

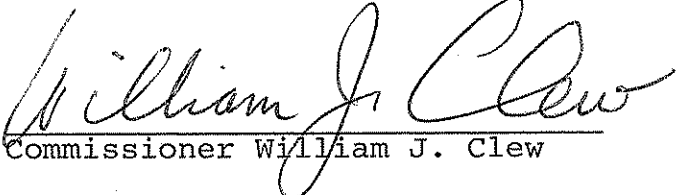
11. Based upon the fact that the gathering in question was planned for a specific time and place at which the respondent commission's membership would meet together as a group, it is concluded that discussion and/or action concerning the subject property was anticipated. Mere surveillance by individual members of the respondent commission would not dictate that such members gather at the same time and place.

12. It is therefore concluded that the gathering of a quorum of the respondent commission on July 15, 1977 constituted a special meeting of that agency held in violation of the FOIA. To find otherwise would be to render meaningless the notice of meetings and minutes provisions of the FOIA because without notice and minutes, the public would not know whether any discussion or actions indeed occurred.

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

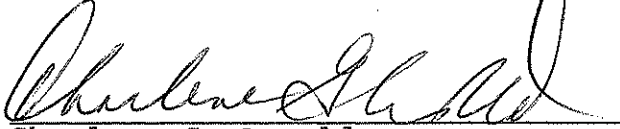
1. Henceforth, the respondent commission shall comply strictly with the notice of meetings and minutes requirements of the FOIA.

2. The Commission notes that the respondent commission is a relatively new agency and its members are apparently unfamiliar with the specific requirements of the FOIA. While this case does not suggest a lack of good faith on the respondent commission's part, this Commission urges the respondent commission to become familiar with the requirements of the FOIA in order to avoid unnecessary violations of the spirit, if not the letter, of that law.


Commissioner William J. Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on
September 28, 1977.


Charlene G. Arnold
Clerk of the Commission