

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Nicholas P. Wynnick,  
Complainant

Report of Hearing Officer

against

Docket #FIC78-195

Library Directors of the City  
and Town of Ansonia,  
Respondents

~~November~~ <sup>December 13</sup>, 1978

The above captioned matter was heard as a contested case on November 20, 1978, at which time the complainant and the respondent directors appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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

1. The respondent board of directors is a public agency as defined by §1-18a(a), G.S.
2. By letter dated October 5, 1978, the complainant requested certain records from the respondent board.
3. Such request was denied on October 6, 1978.
4. From such denial, the complainant filed the present complaint with this Commission on October 11, 1978.
5. At hearing, the respondents promised to provide the complainant with copies of the following documents:
  - a. A certain request for a legal opinion made by the respondent board and addressed to the Ansonia City Corporation Counsel, dated September 11, 1978;
  - b. A copy of the only written contract that the respondent board has regarding tower clock repairs.
6. Such documents were therefore not in issue at the time of hearing.
7. The complainant has been provided with access to all of the minutes of the respondent board. In the third item of the complainant's October 5, 1978 letter, he requested a minutes document reflecting a certain change in the by-laws of the respondent board. Such document does not exist. The complainant has therefore not been denied any right conferred under §1-15, G.S. with respect to the record so described.

8. Lastly, the complainant requested a plain copy of the weekly staff schedule and staff log for certain weeks listed in his October 5, 1978 letter of request.

9. At hearing, the respondent board defended against disclosure of such records on the grounds that they constituted "internal memoranda."

10. Such records are kept and maintained by the respondent board and contain the days in which the employees of the library worked.

11. It is found that such records are public records as defined by §1-18a(d), G.S.

12. It is further found that "internal memoranda" does not provide an exemption to compulsory disclosure under any of the eleven categories of exemptions provided under §1-19(b), G.S.

13. The complainant has also raised questions concerning the contents of the minutes of the respondent board in his October 11, 1978 letter of complaint to this Commission.

14. The Commission is without authority over the allegations raised except with respect to whether the respondent board has recorded, in the minutes, the votes of each of its members taken at its meetings.

15. The minutes of the respondent board record that certain motions "carried."

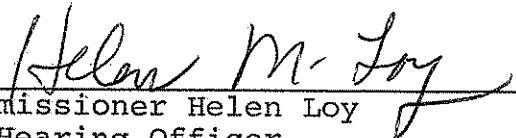
16. It is found that the failure of the respondent board to record in its minutes that such votes were taken "unanimously" by all members present at its meetings violates the provisions of §1-21, G.S.

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

1. The respondents shall provide the complainant with the documents outlined in paragraph 5 of the Findings hereinabove, if the same has not already been provided as promised at hearing.

2. The respondents shall, within three days of receipt of Notice of Final Decision hereof, provide the complainant with a plain copy of the weekly staff schedule and staff log for the weeks specified in his October 5, 1978 letter of request.

3. Henceforth, the minutes of the respondent board shall record the votes of each of its members. In this regard, if a vote is taken unanimously by all members present, such vote must be so recorded in the minutes.

  
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Commissioner Helen Loy  
as Hearing Officer