

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
The Bridgeport Board of Education
and E. Terry Durant,

Complainants

Final Decision

against

Docket #FIC79-218

City and Town of Bridgeport and
Civil Service Commission of the
City of Bridgeport and Alan Cohen,
Respondents

October 8, 1980

The above captioned matter was heard on March 27, 1980 and on April 22, 1980, at which time the parties appeared and presented evidence and argument on the complaint. John M. Gerrity was made an intervenor in the proceedings.

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

1. The respondents are public agencies as defined by §1-18a(a), G.S.

2. On or about September 18, and September 29, the complainants requested the respondent to provide them with the following records:

a) All documents in the possession of the Civil Service Commission concerning or relating to Mr. Gerrity;

b) All communications between the Civil Service Commission or any of its employees, agents or personnel director with James Daly, Esq. or members or employees of the law firm of Brennan, Daly and McNamara;

c) Copy of agenda of the Civil Service Commission at which the Commission approved or otherwise considered the tentative findings which have been submitted to the Board of Education concerning Mr. Gerrity;

d) Copy of minutes of said meeting.

3. By complaint filed with the Commission October 22, 1979 the complainants alleged that the respondents held illegal meetings on September 28, 1979 and October 2, 1979 and at other times which violated the notice provisions as well as other provisions of the Freedom of Information Act.

4. The complainants further alleged that the respondents failed to provide them with all the documents requested on September 18 and 29, 1979, and that whatever documents were provided were provided outside the statutory time period of four business days.

5. The respondents did not provide the requested documents in four business days.

6. It is found that the respondents did not provide the requested documents in a timely manner as required by §1-21i(a), G.S.

7. The respondents failed to provide notices, agendas, and minutes of meetings pertaining to Mr. Gerrity.

8. It is, therefore, found that the respondents failed to provide the complete set of records relating to Mr. Gerrity which was requested by the complainants.

9. Under §1-21i(b) the Commission has jurisdiction over only those violations which take place within the thirty days prior to the filing of a complaint.

10. The respondent commission filed in Superior Court in the matter of Gerrity v. Bisceglia, et al., Docket No. 165347, a finding which purports to be the action of the respondent commission on or about October 5, 1980.

11. There was no notice, agenda, or minutes for any meeting at which the aforesaid finding, which was submitted to court, was approved.

12. Any action which was taken by the board at any meeting as defined by §1-18a(b), G.S. between October 3 and October 5 to approve the aforementioned document was taken in violation of §1-21 and §1-19(a) because of the absence of notice, agenda and minutes.

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

1. Any action taken by the respondent commission at a meeting as defined by §1-18a(b), G.S. to approve the finding described at paragraph 10 is hereby declared null and void.

2. The respondent shall provide the complainants with those documents requested by them which the agency has on file but has not already made available.

Approved by Order of the
Freedom of Information Commission
on October 8, 1980.


Wendy Rae Briggs
Clerk of the Commission