

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Ronald Greski and Clinton L. Hennessey,

Complainants

against

Lower Naugatuck Valley Mental Health
Center, Inc.,

Respondent

Final Decision

Docket #FIC79-242

June 16, 1981

The above-captioned matter was heard as a contested case on May 12, 1980, at which time the complainants and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. By letter filed with this Commission on December 18, 1979, the complainants alleged that the respondent held a meeting on December 11, 1979 without posting notice of that meeting.
2. The respondent contends that it is not a public agency as defined by §1-18a(a), G.S., and therefore not subject to the requirements of the Freedom of Information Act.
3. Because it provides community mental health services in coordination with the State Department of Mental Health, the respondent performs a governmental function.
4. The respondent, however, is a private, not-for-profit, non-stock corporation not controlled or supervised by federal, state or local government.
5. The respondent has a board of trustees consisting of 25 persons, only two of whom have any affiliation with government, one being the mayor of a town, the other a town legal counsel.
6. Sixty-one percent of the respondent's revenue comes from private, non-governmental sources.
7. Although the respondent cooperates with regional and state public health agencies, it is an autonomous, private organization.
8. It is concluded, therefore, in light of the foregoing, that the respondent is not a public agency as defined by §1-18a(a), G.S., and therefore not subject to the open meetings provisions of the Freedom of Information Act.

The following order by the Commission is hereby recommended on the basis of the record in the above-captioned matter.

1. The complaint is hereby dismissed.

Approved as amended by order of the Freedom of Information Commission at its regular meeting of May 27, 1981.


Wendy Rae Briggs
Clerk of the Commission