

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Howard S. Cooper

Complainant

against

Town of Lebanon; Board of Tax Review
of the Town of Lebanon,

Respondents

Report of Hearing Officer

Docket #FIC81-127

February 10, 1982

The above captioned matter was heard as a contested case on November 23, 1981, at which time the complainant and the respondent board 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 is a public agency as defined by §1-18a(a), G.S.
2. By letter dated May 28, 1981, the complainant made a request of the respondent board for a copy of the minutes of the meeting at which the complainant's appeal for tax relief had been denied.
3. By letter dated June 5, 1981, the respondent board notified the complainant that his appeal had been determined on April 27, 1981. The respondent then described the rationale for the denial of the complainant's appeal, but did not provide a copy of the requested minutes.
4. By letter dated June 11, 1981, the complainant reiterated his earlier request for the minutes of the meeting at which his tax appeal had been decided.
5. The complainant filed a complaint with the Commission on June 29, 1981, alleging that no response had been received regarding his request for minutes of a meeting of the respondent board.
6. By letter dated July 15, 1981, the respondent board informed the complainant that no minutes were taken at the April 27, 1981 meeting of the respondent board.
7. At the hearing on this matter, the respondent board indicated that decisions at its April 27, 1981 meetings were reached by "consensus" or unanimous decision, but that no formal votes were taken or recorded.
8. The respondent board claims that §§12-110 and 12-111, G.S., govern the respondent board's conduct of its meetings, and that nothing contained therein requires the taking and filing of minutes or any record of such meetings.

9. It is found that the sessions of boards of tax review described in §§12-110 and 12-111, G.S., are meetings as defined by §1-18a(b), G.S.

10. It is further found that nothing in §§12-110 or 12-111, G.S., exempts boards of tax review from the necessities of recording and filing votes and minutes of their meetings as required by §1-21, G.S.

11. It is therefore concluded that the respondent board violated §1-21, G.S., when it failed to take and make available to the public minutes and/or records of votes at its April 27, 1981 meeting.

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


1. The respondent board shall henceforth in the conduct of its meetings act in strict compliance with the requirements of §1-21, G.S. regarding the taking and filing of minutes and the recording of votes.

2. The Commission notes the sincere attempt by the respondent board to respond to the complainant's inquiries regarding his assessment but such efforts cannot substitute for strict compliance with the Freedom of Information Act.



Donald W. Friedman
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of March 24, 1982.



Mary Jo Jolicoeur
Clerk of the Commission