

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Marjorie Tippet,

FINAL DECISION

Complainant

Docket #FIC83-30

against

July 21, 1983

Ridgefield Board of Education

Respondent

The above captioned matter was heard as a contested case on April 26, 1983 when it was continued to May 6, 1983. The complainant and the respondent appeared on May 6, 1983 and presented testimony, exhibits, and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. The respondent held a meeting on February 22, 1983 at 8:00 p.m.
3. By letter filed with the Commission on March 2, 1983 the complainant alleged the following regarding the February 22, 1983 meeting:
  - a. That the respondent failed to post notice of the meeting.
  - b. That although it was called an emergency meeting, no emergency existed.
  - c. That members of the public who attempted to attend were denied access to such meeting.
  - d. That no two-thirds vote was taken to convene in executive session.
  - e. That the actual purpose of the meeting was to discuss a newspaper article criticizing the behavior of the superintendent of schools.
  - f. That members of the respondent knew more than twenty-four hours before the meeting that such meeting would be held.

4. It is found that on Friday, February 18, 1983 a newspaper article appeared in the Danbury News Times which appeared to criticize the actions of the superintendent of schools in connection with a school closing.

5. Upon reading such article, the chairman of the respondent contacted the superintendent of schools and the secretary to the respondent on February 18, 1983 and asked to have a meeting set up for Tuesday, February 22, 1983.

6. No notice of the February 22, 1983 meeting was posted.

7. The meeting was not held before Tuesday, February 22, 1983 because the chairman was scheduled to be out of town that weekend, and the 21st of February was a legal holiday.

8. The respondent claims that notice of the February 22, 1983 meeting was not posted when the town offices opened on Tuesday morning because the respondent's offices were closed that day and there was, therefore, no executive secretary to post the notice.

9. The respondent claims that the respondent could not postpone the meeting to discuss the allegations in the newspaper because of the respondent's interest in treating the allegations and in having its treatment of the allegations available for a press deadline on Wednesday.

10. It is found that the circumstances which led to the convening of the February 22, 1983 meeting did not constitute an emergency which would have justified the respondent's failure to postpone the meeting until adequate public notice could be provided.

11. It is further found that the respondent made no attempt to provide notice of any kind to the public although the meeting planned on February 18, 1983 was not held until February 22, 1983.

12. It is therefore found that the respondent violated §1-21, G.S. when it met without public notice on February 22, 1983.

13. Upon attempting to attend the February 22, 1983 meeting, the complainant was denied access to the meeting on the ground that the respondent was dealing with "personal matters."

14. It is found that discussion of the superintendent's performance relative to a school closing was a proper purpose for an executive session within the meaning of §§1-18a(e)(1), G.S.

15. It is therefore concluded that the respondent did not violate §1-21, G.S. by excluding the public from attendance at such meeting.

16. It is found, however, that the respondent failed to vote by a two-thirds majority to convene in executive session, in violation of §1-21, G.S.

17. The only action taken at the February 22, 1983 meeting was a decision that it be found that "any question of possible inappropriate behavior on the part of the superintendent to be without substance."

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

1. Henceforth the respondent shall act in strict compliance with the requirements of §1-21, G.S.

Approved by order of the Freedom of Information Commission at its special meeting of July 8, 1983.

  
Mary Jo Jolicœur  
Clerk of the Commission