

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Karen Kaczmarcyk, Linda Smith  
and The Bristol Press,

FINAL DECISION

Complainants

Docket #FIC83-191

against

Zoning Board of Appeals of the  
Town of Plymouth,

April 11, 1984

Respondent

The above captioned matter was heard as a contested case on December 13, 1983 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. The respondent is a public agency within the meaning of §1-18a(a), G.S.

2. The respondent held a meeting on August 11, 1983, which meeting was conducted as a public hearing.

3. By letter of complaint filed with the Commission on September 7, 1983 the complainants alleged that the respondent had failed to file minutes of its August 11, 1983 meeting within 7 days, as required by §1-21, G.S.

4. It is found that minutes of the respondent's August 11, 1983 meeting were not placed on file and made available for public inspection until September 23, 1983.

5. The respondent claims that during the August 11, 1983 meeting the audio tape of the proceedings broke, leaving the secretary with nothing from which to prepare the minutes.

6. It is found that although a verbatim recording of the proceedings was not immediately available the secretary had in her possession hand-written notes from which she could have prepared minutes as required by §1-21, G.S.

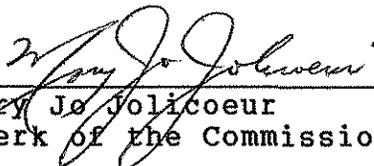
7. The Commission also finds unpersuasive the respondent's claim that Plymouth, a small town, lacks sufficient personnel to comply with the Freedom of Information Act's requirements and that the violation was merely "technical" since no one other than the complainant Kaczmarcyk had requested the minutes.

8. It is concluded that the respondent violated §1-21, G.S. when it failed to timely file the minutes of its August 11, 1983 meeting, as required by §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. Henceforth the respondent shall act in strict compliance with the requirements of §1-21, G.S. regarding the filing of minutes of meetings.

Approved by order of the Freedom of Information Commission at its regular meeting of April 11, 1984.

  
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Mary Jo Jolicoeur  
Clerk of the Commission