

FREEDOM OF INFORMATION COMMISSION  
OF STATE OF CONNECTICUT

In the Matter of a Complaint by  
Paul Lipka,

FINAL DECISION

Complainant

Docket #FIC83-205

against

March 28, 1984

Trumbull Emergency Medical  
Service Commission,

Respondent

The above captioned matter was heard as a contested case on January 9, 1984, at which time the complainant 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. On August 23, 1983 the respondent held a regular meeting during which it convened in executive session.
3. While convened in executive session on August 23, 1983 the respondent amended the minutes of a February 22, 1983 meeting to "clarify the TEMS Commission's intent of asking Paul Lipka, Director of Training to step down."
4. By letter of complaint filed with the Commission on September 16, 1983 the complainant alleged as follows:
  - a) That the respondent had not responded to an August 17, 1983 request for records until August 30, 1983, in violation of §§1-15 and 1-19(a), G.S.
  - b) That the respondent failed to file the minutes of its August 23, 1983 meeting within seven days of such meeting, as required by §1-21, G.S.
  - c) That at its August 23, 1983 meeting the respondent failed to vote by a 2/3 majority to convene in executive session, failed to state a reason therefore, failed to record those in attendance at the executive session and failed to file either the minutes of such session or the amended minutes of the February 22, 1983 meeting within seven days as required by §1-21, G.S.

5. The complainant also alleged that a member of the respondent, Dr. Rogalewski, was listed as taking part in the August 23, 1983 executive session although he was not listed as attending the regular meeting. However, the reference to which the complainant referred was contained in the February 22, 1983 minutes as amended, and reflected Dr. Rogalewski's attendance at the February 22, 1983 meeting only.

6. The complainant's allegations regarding the respondent's failure to properly convene in executive session on February 22, 1983 were not filed within 30 days of such alleged violations and therefore may not be considered by the Commission at this time.

7. The respondent claims that the complainant's August 17, 1983 request was referred to the town counsel for a response, and that such referral was the reason for the delay in responding to such request.

8. It is found, however, that the respondent's failure to acknowledge the complainant's request in any manner prior to August 30, 1983 constituted a violation of §§1-15, 1-19(a) and 1-21i(a), G.S.

9. It is also found that the minutes of the public portion of the respondent's August 23, 1983 meeting were not filed until September 6, 1983, in violation of §1-21, G.S.

10. It is also found that on August 23, 1983 the respondent failed to properly convene in executive session when it failed to take a 2/3 vote to so convene; failed to state a proper purpose therefore and failed to record the names of those in attendance as required by §§1-21 and 1-21g, G.S.

11. It is also found that the minutes of the August 23, 1983 executive session and the minutes of a February 22, 1983 executive session as amended on August 23, 1983 were not filed until August 31, 1983, in violation of §1-21, G.S.

12. Although not raised in the letter of complaint and therefore not properly before the Commission, the Commission notes that the minutes of the August 23, 1983 executive session indicate that the respondent voted in executive session. The Commission cautions the respondent that such actions have been previously found to be prohibited by the language of §1-18a(e), G.S.

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

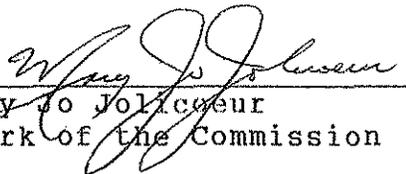
1. Henceforth the respondent shall act in strict compliance with the requirements of §§1-15 and 1-19(a), G.S. regarding prompt access to public records.

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

3. Henceforth the respondent shall act in strict compliance with the requirements of §§1-21 and 1-21g, G.S. regarding convening in executive session.

4. The Commission notes that future violations could subject the respondent to a fine pursuant to §1-21i(b), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of March 28, 1984.

  
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Mary Jo Jolicœur  
Clerk of the Commission