

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Dennis Damon and
Paul Kumpitsch,

Docket #FIC84-8

Complainant(s)

June 27, 1984

vs.

East Lyme Waterford
Shellfish Commission

Respondent(s)

The above captioned matter was scheduled for hearing March 5, 1984 at which time the parties appeared and presented evidence 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. By letter filed with the Commission January 15, 1984 the complainants alleged that the respondent violated the Freedom of Information Act when it reached a consensus by telephone.
3. At a meeting held December 15, 1983 the respondent adopted a motion expanding the area in which scooping would be allowed in the Niantic River.
4. Thereafter some confusion existed regarding the boundaries intended by the respondent when it adopted the aforesaid motion.
5. The chairman then called the members of the agency who were present at the meeting on December 15 to get clarification of what the intended boundaries were.
6. The complainant contended that these telephone communications were an illegal meeting.

7. §1-18a(b), G.S. provides in relevant part that:

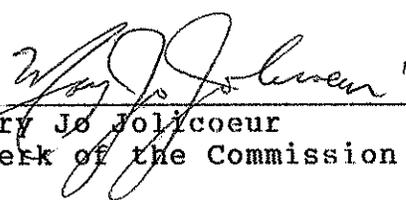
"Meeting" means any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multi-member public agency, and any communication by or to a quorum, of a multi-member public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power.

8. It is found that the telephone discussions concerning the motion adopted on December 15, 1983 constituted a meeting within the meaning of §1-18a(b), G.S. and was subject to the notice and open meeting requirements of §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. The respondent shall henceforth comply with the open meeting provisions of §1-21, G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of June 27, 1984.



Mary Jo Jolicoeur
Clerk of the Commission