

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Paul Harrington,

FINAL DECISION

Complainant

Docket #FIC84-138

against

March 20, 1985

Cromwell Board of Tax
Review,

Respondent

The above captioned matter was heard as a contested case on November 13, 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. In FIC #84-49 Paul Harrington v. Board of Tax Review of the Town of Cromwell the Commission ordered the respondent to, within one week of the final decision in that case, prepare minutes which would reflect the votes of each member of the respondent on each issue before it at its February 28, 1984 meeting.

3. By letter of complaint filed with the Commission on or about July 18, 1984 the complainant alleged that the respondent held a meeting, without public notice, in connection with the Commission's directive in FIC #84-49. The complainant requested that the meeting be declared null and void.

4. The final decision in FIC #84-49 was issued by the Commission on Wednesday, June 27, 1984.

5. Within a short time following the final decision in FIC #84-49 the chairwomen of the respondent prepared minutes pursuant to the Commission's order. She then informed the other two members of the respondent that the minutes would be available at her home for their review and signature.

6. Over the weekend of June 30 to July 1, 1984 the other two members of the respondent inspected and signed the minutes in question at the chairwoman's home.

7. It is found that the preparation of the minutes by the chairwoman did not involve the holding of a meeting within the meaning of §1-18a(b), G.S.

8. It is found, however, that the review and signing of the minutes by all three members of the respondent constituted a proceeding to act upon a matter over which the respondent has supervision, control, jurisdiction or advisory power.

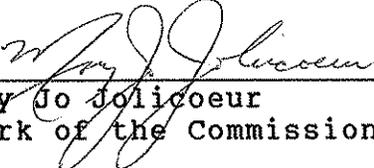
9. It is concluded that, technically, the failure of the respondent to provide public access to the review and signing of the minutes violated §1-21(a), G.S.

10. However, the nature of the violation is not such as to warrant an order nullifying the actions of the respondent with respect to the minutes in question.

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(a), G.S.

Approved by order of the Freedom of Information Commission at its special meeting of March 20, 1985.



Mary Jo Jolicoeur
Clerk of the Commission