

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Michael Rizzuti,

FINAL DECISION

Complainant

Docket #FIC84-201

against

February 27, 1985

Naugatuck Housing Authority

Respondent

The above captioned matter was heard as a contested case on January 18, 1985 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. By letter of complaint filed with the Commission on October 9, 1984 the complainant alleged that he was improperly ejected from the respondent's September 12, 1984 regular meeting and that the respondent failed to file the minutes of such meeting in a timely manner, as required by §1-21(a), G.S. The complainant asked that the September 12, 1984 meeting be declared null and void.

3. It is found that following the completion of the respondent's business at its September 12, 1984 meeting the complainant indicated his desire to address the respondent by raising his hand and when acknowledged, posed several questions to the respondent and its executive director. Following an exchange between the complainant and the executive director of the respondent, the executive director asked the complainant to leave, which he did.

4. The respondent claims that the complainant's questions were repetitive and "upsetting," that the questions posed were all answered and that the effect of asking the complainant to leave was negligible because the meeting was adjourned almost immediately following the complainant's departure.

5. It is found that neither the respondent nor its executive director made any attempt to silence the complainant prior to ejecting him, nor was there any evidence presented that such an attempt would have been ineffective.

6. It is further found that at the time the complainant was addressing his questions to the respondent he was the only member of the public in attendance at the meeting.

7. It is concluded that the complainant's questioning of the respondent at its September 12, 1984 regular meeting did not constitute an interruption of the meeting within the meaning of §1-21h, G.S.

8. It is further concluded that in the absence of behavior on the part of the complainant which would have rendered the orderly conduct of the meeting unfeasible, the respondent violated §1-21(a), G.S., when it denied the complainant access to a portion, however brief, of its September 12, 1984 meeting.

9. It is found that when requested by the complainant on September 28, 1984 the minutes of the respondent's September 12, 1984 meeting were not yet available for public inspection. The complainant received a copy of the minutes on October 10, 1984.

10. It is concluded that the minutes of the respondent's September 12, 1984 meeting were not available for public inspection within 7 days of such meeting, in violation of §1-21(a), G.S.

11. The respondent at hearing could not account for the delay in the preparation of the September 12, 1984 minutes, but asserted that its minutes are currently being made available within 7 days, as required by §1-21(a), G.S.

12. At hearing, the respondent requested the imposition of a civil penalty against the complainant on the ground that the complaint was frivolous, without reasonable grounds and filed solely for the purpose of harassing the respondent, which request is hereby denied.

13. The complainant's request that the September 12, 1984 meeting be declared null and void is also denied.

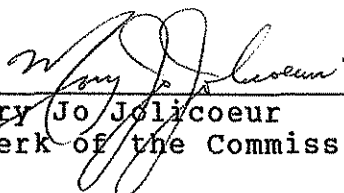
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint.

1. Henceforth the respondent shall refrain from ejecting members of the public from its meetings in the absence of such cause as is described in §1-21h, G.S.

2. Henceforth the respondent shall make minutes of its meetings available for public inspection within 7 days of such meetings, as required by §1-21(a), G.S.

3. The respondent shall forthwith attach a copy of this decision to the minutes of its September 12, 1984 meeting and disclose it whenever those minutes are disclosed.

Approved by order of the Freedom of Information Commission at its regular meeting of February 27, 1985.



Mary Jo Jolicoeur
Clerk of the Commission