

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Thomas Supina, Jr.,) Report of Hearing Officer
Complainant)
) Docket #FIC76-218
against)
) January 6, 1977
Town of Ashford and Board of)
Finance of the Town of Ashford,)
Respondents)

The above captioned matter was heard as a contested case on January 4, 1977, at which time the complainant and the respondent board appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondents are public agencies as defined by §1(a) of P.A. 75-342.

2. At 11:00 p.m. on November 30, 1976, a quorum of the respondent board met at the Ashford Elementary School.

3. This gathering constituted a meeting of a public agency within the meaning of §1(b) of P.A. 75-342.

4. Notice of the aforesaid meeting was neither filed nor posted in accordance with P.A. 75-342.

5. It was decided at the aforesaid meeting to postpone the regular meeting of the respondent board, scheduled for December 1, 1976, until December 8, 1976.

6. A document purporting to be the minutes of the November 30, 1976 meeting was posted on the bulletin board in the Ashford Town Clerk's office but was not filed with such town clerk until December 20, 1976.

7. The aforesaid document lists the names of the respondent board members present, and the decision to postpone the December 1, 1976 meeting. But it does not record which members voted for and against postponement.

8. On December 8, 1976, the respondent board held a meeting at the Ashford Elementary School. Notice of this meeting is not contained in the schedule of regular meetings filed by the respondent board with the Ashford Town Clerk.

9. While notice of the December 8, 1976 meeting was posted as stated in paragraph 6 above, the business to be transacted was not specified.

10. A written record of the votes of each member of the respondent board on the issues before such board at its December 8, 1976 meeting was not made available for public inspection within 48 hours of such meeting. Furthermore, the minutes of such meeting were not filed with the Ashford Town Clerk until December 17, 1976.

11. By letter of complaint filed with this Commission on December 14, 1976, the complainant alleged that the notice and the filing of minutes pertaining to the respondent board's meetings of November 30, 1976 and December 8, 1976 were in violation of P.A. 75-342, and of the order of this Commission in docket FIC76-160. The complainant further alleged that the respondent board has not complied with paragraph 1 of the aforesaid order.

12. It is found that the respondent board's meeting of November 30, 1976 constituted a special meeting for which there was improper notice under §6 of P.A. 75-342 and, coincidentally, §7-342 of the General Statutes.

13. It is further found that the record of votes of each member of the respondent board at the November 30, 1976 meeting was not reduced to writing and made available for public inspection in accordance with §6 of P.A. 75-342.

14. In view of paragraph 1 of the order below, it is found that the December 8, 1976 meeting also constituted a special meeting of the respondent board.

15. Because the notice of the December 8, 1976 meeting did not specify the business to be transacted, the notice did not meet the requirements of §6 of P.A. 75-342.

16. It is further found that to the date of the hearing on this complaint, the respondent board has not complied with paragraph 1 of the order of this Commission in docket FIC76-160.

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

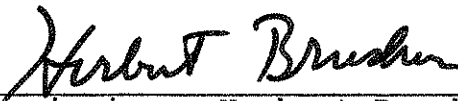
1. All actions taken at the respondent board's November 30, 1976 meeting are hereby declared null and void.

2. All actions taken at the respondent board's December 8, 1976 meeting are hereby declared null and void.

3. The respondent board shall immediately and fully comply with the order of this Commission in docket FIC76-160.

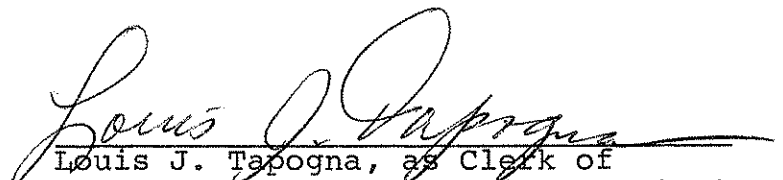
4. The respondent board shall, within 5 business days of this decision, serve upon this Commission a certified copy of compliance with paragraph 3 of this order. If a certified copy of such compliance is not received by this Commission within 5 business days of this decision, this

Commission shall refer such non-compliance to the appropriate authorities for criminal prosecution in accordance with §16(b) of P.A. 75-342, and shall institute further proceedings herein to determine whether a fine or fines should be levied against any member or members of the respondent board in accordance with §14(d) of P.A. 75-342.



Commissioner Herbert Brucker
as Hearing Officer

Approved by order of the Freedom of Information Commission on
January 12, 1977.



Louis J. Tapogna, as Clerk of
the Freedom of Information Commission