

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Boyd Hinds, Complainant) Report of Hearing Officer
against) Docket #FIC 76-45
Town of East Hartford and Town) April 19, 1976
Council of the Town of East)
Hartford, Respondents)

The above captioned matter was heard as a contested case on April 6, 1976, at which time the complainant and the respondents 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 they are the Town of East Hartford and the Town Council of the Town of East Hartford, respectively.
2. By letter addressed to the chairman of the respondent council and dated March 9, 1976, the complainant requested access to inspect and copy the policy of the respondent council which requires East Hartford residency as a pre-condition for addressing the Council during the public participation portion of such council's meetings.
3. By letter dated March 16, 1976, the chairman of the respondent council replied that all minutes of the respondent council were available to the complainant during normal business hours for inspection and copying.
4. The complainant treated the letter of March 16, 1976, as a denial of access and, by letter dated March 19, 1976, brought the present complaint to this Commission.
5. On the basis of the uncontradicted evidence adduced at the hearing on this complaint, it is found that there exist no documents independent and apart from the minutes of the meetings of the respondent council containing the policy requested by the complainant. In fact, aside from Roberts Rules of Order, there is no formal policy or procedure governing the meetings of the respondent council. By custom, the chairman of the respondent council rules on procedural matters as he sees fit and treats each such ruling as the "consensus" of the council, in the absence of a vote to the contrary by the membership of such council.

6. Since there exist no documents independent and apart from the minutes of the meetings of the respondent council containing the policy requested by the complainant and since these minutes are available to the complainant for inspection and copying, it is found the complainant has not been deprived of any right conferred by P.A. 75-342.

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

p43
1. The complaint is hereby dismissed because the documents requested do not exist independent and apart from minutes of the meetings of the respondent council, which minutes are available to the complainant for inspection and copying pursuant to P.A. 75-342.

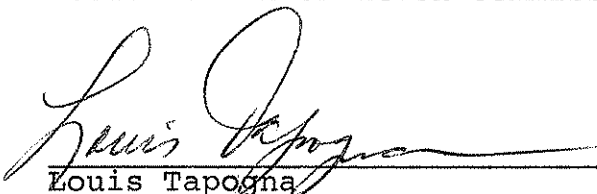
2. Dismissal of this complaint does not express any approval of respondent council's custom of adopting the policy described in the finding of fact, which appears to have been adopted without a vote of the respondent council's members.



Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on April 28, 1976.



Louis Tapogna
Clerk of the Commission