

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)

Janice Hardaswick, Mary Anne)
Raymond and Katherine Grace,) Report of Hearing Officer

Complainants) Docket #FIC 76-96

against)

Regional School District #16,) July 7, 1976

Respondent)

The above captioned matter was heard as a contested case on July 1, 1976, at which time the complainants 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.
2. By letter dated May 28, 1976, the complainants alleged that a record of the votes taken at, and the minutes of, the respondent's meeting of May 12, 1976 were not placed on file in the Beacon Falls Town Clerk's office as required by §6 of P.A. 75-342.
3. The respondent is a regional school district composed of the towns of Prospect and Beacon Falls and has a regular office in the town of Prospect only.
4. It is found that a record of the votes taken at, and the minutes of, the respondent's meeting of May 12, 1976 were available for public inspection at the respondent's regular office within the time requirements prescribed by §6 of P.A. 75-342.
5. It is further found that P.A. 75-342 does not require the respondent to have a record of its votes and minutes available at the town clerk's office of each of its constituent towns since the respondent maintains a regular office for the conduct of its business.
6. It is the respondent's practice to file a copy of its minutes with both town clerks of the towns composing the school district after approval of such minutes at the respondent's next subsequent monthly meeting. Thus minutes are available at the town clerk's office in Prospect and Beacon Falls but only after approximately 4 to 5 weeks from the date of the meeting to which such minutes refer.

7. In this case, the complainants sought access to the minutes in question on May 18, 1976 at the office of the Beacon Falls town clerk. When the town clerk informed the complainant Hardaswick that such minutes were not on file, the complainants discovered that the respondent's minutes of previous meetings were not placed on file with their own town clerk until approximately 4 to 5 weeks after the meeting to which each such minutes refer.

8. The complainants believed that such minutes were not available at the regular office of the respondent due to a misunderstanding as to the nature of the records sought. When the complainant Hardaswick called the respondent's office and inquired whether the records of the respondent were available at such office, she was informed that records were available at the respective town clerks' offices. The complainants did not specify that the record requested were the minutes of the May 12, 1976 meeting and the complainants were not informed that such minutes were available at the respondent's regular office when, in fact, they were so available.

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

1. The complaint is hereby dismissed since the records sought were available in accordance with P.A. 75-342 at the respondent's regular office within the time specified therein.

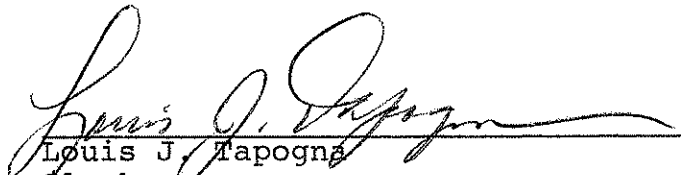
2. In order to avoid repetition of the confusion which led to the filing of the complaint herein and in furtherance of the principles of public disclosure which premise P.A. 75-342, this Commission recommends that the respondent forward a copy of its draft minutes and records of votes to the town clerks of the towns constituting the school district when the same are prepared. This Commission further recommends that the respondent publicize, and otherwise make its employees aware, that copies of all public records of the respondent not specifically exempt from disclosure, are available to the public at its regular office in Prospect.



Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on July 14, 1976.



Louis J. Tapogna
Clerk
Freedom of Information Commission