

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Charles P. Joy, Superintendent ) Report of Hearing Officer  
of Schools for the Town of )  
North Branford, Complainant ) Docket #FIC77-146  
 )  
against ) September 2, 1977  
 )  
Town of North Branford and )  
North Branford Town Council, )  
Respondents )

The above captioned matter was heard as a contested case on August 19, 1977 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. Respondent North Branford Town Council is a public agency within the meaning of §1-18a(a), G.S.

2. At a meeting on Tuesday, July 19, 1977 members of the respondent Council voted to deny the complainant Superintendent of Schools opportunity to make a copy of a tape recording of a public town budget hearing dated March 30, 1977.

3. Complainant by letter filed with this Commission on August 2, 1977 claimed he had been wrongfully denied opportunity to copy the tape of the budget hearing.

4. The tape of the town budget hearing of March 30, 1977 was made by the respondent town council and was kept in the custody of the respondent's clerk who routinely transcribes such hearings.

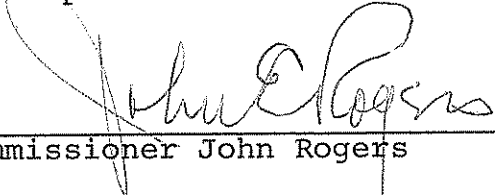
5. The tape sought by complainant no longer exists in that respondent's clerk destroyed it after the town council voted to deny complainant opportunity to copy the tape.

6. These tape recordings of the town budget hearing of March 30, 1977 which was made by the town council are public records within the meaning of §18(a)(d), G.S. and §1-19, G.S.

7. It is found that the respondent council's refusal to permit the complainant to copy these tapes of the March 30, 1977 Town Budget Hearing is a violation of §1-19, G.S.

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

1. The respondent town council shall henceforth comply with §1-19, G.S. by permitting every person to inspect or copy its public records.
2. Although it was not raised in the complaint herein there was ample evidence to show that certain public records of the respondent town council are kept in the home of the council's clerk, in part because the respondent has no regular office. This Commission further advises that §1-19, G.S., requires that the public records of an agency without a regular office be kept in the office of the clerk of the political sub-division, i.e. the office of the town clerk of North Branford.
3. The Commission further advises that the respondent council adopt specific regulations concerning the retention and disposition of tapes of public hearings from which the clerk makes verbatim transcripts in order to avoid the appearance of impropriety and the possible imposition of a penalty for wilfull destruction of public records.



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Commissioner John Rogers

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
September 14, 1977.



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Charlene G. Arnold  
Clerk of the Commission