

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Robert Oakes, Complainant) Report of Hearing Officer
)
against) Docket #FIC77-184
)
Town of Brooklyn; Chairman of the) October 18, 1977
Board of Finance of the Town of)
Brooklyn; and the Board of Finance)
of the Town of Brooklyn,)
Respondents)

The above captioned matter was heard as a contested case on October 17, 1977, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony and argument on the complaint.

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

1. The respondent board is a public agency as defined by §1-18a(a), G.S.

2. By letter filed with the Commission on September 22, 1977, the complainant alleged that he had been denied the right to tape record a public meeting of the board on September 12, 1977 in violation of the Freedom of Information Act.

3. §1-21i(b) of the General Statutes has been amended by §6 of Public Act 77-609, effective July 1, 1977, to now read, in pertinent part, as follows:

"Any person denied the right to inspect or copy records under section 1-19, or wrongfully denied the right to attend any meeting of a public agency or denied any other right conferred by sections 1-15, 1-18a, 1-19 to 1-19b, inclusive and 1-21 to 1-21k, inclusive, may appeal therefrom, within thirty days, to the freedom of information commission..."

4. Any meeting of a public agency which is open to the public may now be recorded, photographed, broadcast or recorded for broadcast by rights conferred under §1-21a, G.S.

5. Accordingly, this Commission is found to have jurisdiction to conduct a hearing relating to the facts alleged in the complainant's September 22, 1977 letter of complaint.

6. All six members of the respondent board of finance were present at a meeting held on September 12, 1977 at 7:30 p.m. This meeting was open to the public.

7. At some point in the course of such meeting, the complainant approached the chair in an attempt to record for broadcast part of the board's discussion, creating a mild disturbance.


8. The board, by a unanimous vote, ordered the complainant to turn off his recording equipment even after the complainant offered to record from a seat at the rear of the room.

9. The respondent board is found to have denied the complainant his right to record an open meeting of a public agency, in violation of the provisions under §1-21a, G.S.

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

1. Henceforth, the respondent board shall permit any person to record, photograph, broadcast or record for broadcast any meeting which is open to the public pursuant to the provisions of §1-21, G.S.


2. Insofar as the complainant needs to have a tape clear of extraneous noise in order to record a meeting for broadcast and the respondent board needs to maintain order at its meetings in order to continue in its deliberations, it is urged that the two accommodate very quickly these respective interests in deciding where to locate recording equipment within the meeting room of a meeting sought to be recorded. Such a mutually acceptable accommodation may well render unnecessary a future complaint before this Commission on the same matter.



Commissioner William J. Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on
October 26, 1977.



Charlene G. Arnold, Clerk
Freedom of Information Commission