

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Nancy McAfee and Rev. James H. ) Report of Hearing Officer  
Davis, Complainants )  
 ) Docket #FIC77-243  
against )  
 ) February 14, 1978  
City and Town of Stamford; and )  
the Board of Representatives of )  
the City and Town of Stamford, )  
Respondents )  
 )

The above captioned matter was heard as a contested case on January 24, 1978, at which time the complainants and the administrative assistant of the respondent board appeared 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 letters dated December 12, 14, 16 and 20, 1977, the complainants alleged that the minutes of the meeting of the respondent board held on December 12, 1977 were not available for public inspection within the time specified by the Freedom of Information Act.
3. A quorum of the respondent board held a meeting on December 12, 1977.
4. On December 15, 1977, a verbatim transcript, which served as minutes of the December 12, 1977 meeting, was given to the clerk of the respondent city and town by the administrative assistant of the respondent board.
5. On December 20, 1977, eight days following the December 12, 1977 session, the complainant Nancy McAfee asked to inspect the minutes of the December 12, 1977 meeting at the respondent board's regular office or place of business.
6. Because the December 12, 1977 transcript had been given to the clerk of the respondent city and town and because the only office copy of such transcript was being used by the administrative personnel of the respondent board, the administrative assistant of the respondent board referred the complainant to the office of the clerk in order to comply with her request.
7. This Commission must now determine whether the respondent board made its minutes available for public inspection as required by §1-21, G.S.

8. §1-19, G.S. states that a public agency "... shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place..."

9. The respondent board has its own office or regular place of business.

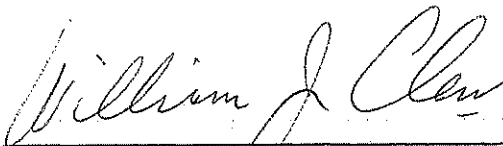
10. §1-21, G.S. further states that the minutes "... shall be available for public inspection within seven days of the session to which they refer."

11. The respondent board's failure to make its minutes available at its regular office on the eighth day following the aforesaid December 12, 1977 session is found to constitute a violation of §1-21, G.S.

12. The Commission notes that the administrative assistant of the respondent board, in giving the minutes to the clerk of the respondent city and town, something not required under the Freedom of Information Act, relied on a local ordinance and did not intend either to wilfully violate the law or to make the minutes less accessible to the complainants than that which is required under §1-21, G.S.

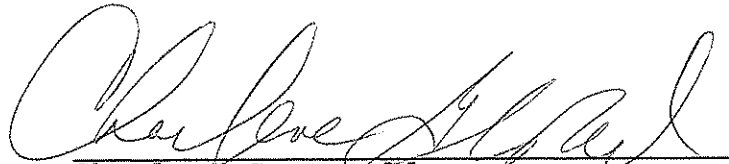
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. Henceforth, the respondent board's minutes shall be available for public inspection at its regular office or place of business within seven days of the session to which they refer.

  
\_\_\_\_\_  
Commissioner William Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
February 22, 1978.

  
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Charlene G. Arnold  
Clerk of the Commission