

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Gail O. Robinson, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-36
)	
Town of Branford and Planning)	May 11 , 1977
and Zoning Commission of the)	
Town of Branford,)	
Respondents)	

The above captioned matter was heard as a contested case on April 25, 1977, at which time the complainant and the respondents appeared and presented argument on the complaint.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. By letter of complaint filed with this Commission on January 25, 1977, the complainant alleged that no notice was given to a meeting of the respondent commission held on November 9, 1977 in violation of §1-21, G.S.

3. By same letter, the complainant further alleged that on January 21, 1977 the respondent commission denied her a copy of the final minutes of the meeting of November 9, 1977 as requested, and that the draft minutes concerning the same meeting that were tendered pursuant to the aforesaid request contained many inaccuracies.

4. At the hearing herein, the respondents contended that nothing in P.A. 75-342, as codified in Chapter 3 of the General Statutes, confers jurisdiction upon this Commission to determine or grant relief upon any of the matters raised in the complaint.

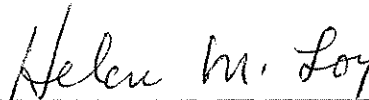
5. It is found that this Commission is without jurisdiction to entertain that part of the present complaint concerning defective notice to the November 9, 1977 meeting, as the complainant's letter was received and filed herewith well outside of the 15 day period required by §1-21i, G.S. for the filing of such complaints.

6. It is further found that neither §1-19(a), §1-21 or §1-21k(a), G.S., nor any other provisions of P.A. 75-342, as codified in Chapter 3 of the General Statutes, confers jurisdiction upon this Commission to determine or grant relief upon the subject of the accuracy of the draft minutes that were tendered to the complainant pursuant to her §1-15, G.S. request.

7. At the hearing herein, the respondent commission's offer of its November 9, 1977 minutes document as formally adopted and approved, and the complainant's acceptance thereof, rendered moot the sole remaining jurisdictional issue and the substantive questions thereunder, and therefore need not be treated by this Commission in this decision.

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.
2. Since the merits of the complaint were not reached in the proceeding before this Commission, nothing herein shall be construed as commenting on whether or not the respondent commission gave proper notice to the meeting here in issue as required by §1-21, G.S., or, more particularly, the accuracy, or lack thereof, of any minutes of the respondent commission, or as condoning inaccurate minutes of any public agency.



Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission
on May 25, 1977.



Louis J. Tapogna, as Clerk of the
Freedom of Information Commission