

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Edmund M. Grace and George F.) Report of Hearing Officer
Howe, Complainants)
) Docket #FIC77-40
)
) March 25, 1977
)
Town of Beacon Falls, Town of)
Prospect and Regional School)
District #16, Respondents)

The above captioned matter was heard as a contested case on March 22, 1977, at which time the complainant Grace and the respondent Town of Prospect appeared and presented argument on the respondent Town of Prospect's motion to dismiss.

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 February 18, 1977, the complainants alleged that the three Town of Prospect members of the board of education of the respondent school district voted at its February 2, 1977 meeting to accept the minutes of said board's meeting of January 13, 1977.
3. Due to a weighted voting system required by the so-called one man, one vote principle, the aforesaid vote of the three Town of Prospect members prevailed over the negative votes of the four Town of Beacon Falls members and constituted a majority vote of said board of education. Therefore, the minutes were accordingly approved.
4. The complainants further alleged that certain contents of the aforesaid minutes do not accurately reflect what transpired at the January 13, 1977 meeting and are thus in violation of §§1-19(a), 1-21 and 1-21k(a), G.S.
5. The respondent Town of Prospect contends that nothing in P.A. 75-342, as codified in Chapter 3 of the General Statutes, confers jurisdiction upon this Commission to either determine this controversy or to grant relief thereupon.
6. It is concluded that neither §§1-19(a), 1-21 or 1-21k(a), G.S., nor any other provision 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 complaint herein.

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.

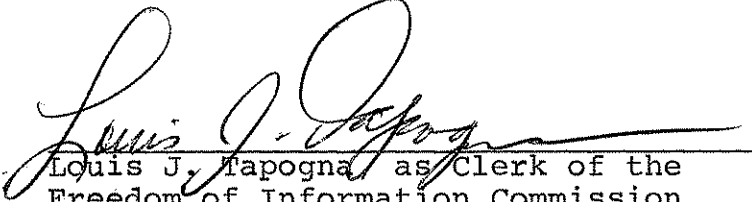
2. Since the merits of the complaint were not reached in the proceedings before this Commission, nothing herein shall be construed as either commenting upon the accuracy, or lack thereof, of any minutes of the respondent school district, or as condoning inaccurate minutes of any public agency.



Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on
April 27, 1977.



Louis J. Papogna as Clerk of the
Freedom of Information Commission