

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
John J. Donohue, Donald Tamis,)
Alexander MacLachlan, Elizabeth)
MacLachlan, Hilel Auerbach,) Report of Hearing Officer
Nancy Goldsworthy, and Thomas)
Goldsworthy,) Docket #FIC78-157
Complainants)
September 27, 1978
against)
Town of Orange; and the First)
Selectman of the Town of Orange,)
Respondents)

The above captioned matter was heard as a contested case on September 14, 1978, at which time the complainants and the respondent selectman appeared, stipulated to certain facts, and presented testimony, exhibits and 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 letters of complaint filed with the Commission on August 14 and 17, 1978, respectively, the complainants alleged that they were denied their right to attend a meeting of the board of selectmen held on July 18, 1978, in violation of the Freedom of Information Act.

3. A quorum of the board met on July 18, 1978 at 7:00 p.m.

4. Such meeting was held in a room that could not accommodate all of the members of the public who wished to attend.

5. As a consequence, certain members of the public could not gain entrance to the meeting.

6. The complainants were among the persons excluded from such meeting.

7. The board had advance notice that there would be a large crowd present on July 18, 1978.

8. The first selectman concedes that the persons excluded from the board's July 18, 1978 meeting could have been accommodated by relocating such meeting to a larger room.

9. The first selectman further concedes that a larger room was available on July 18, 1978.

10. It is found that the complainants were denied their right to attend the meeting of July 18, 1978, in violation of §1-21, G.S.

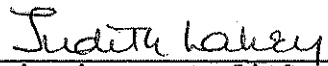
11. The complainants are not complaining of any particular action occurring at the meeting of July 18, 1978. It therefore would not be appropriate to declare any or all actions taken at such meeting null and void.

12. The complainants are contending that such violation was wilful on the part of the first selectman.

13. Such violation is found not to have been wilful, but rather constituted an accepted practice of the board at the time of such meeting.

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

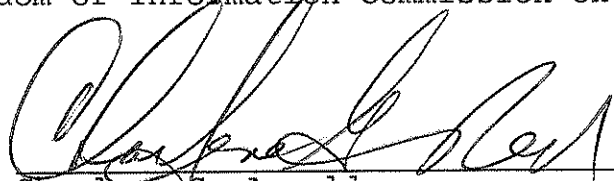
1. Henceforth, the first selectman shall make every reasonable effort to relocate the board's place of meeting when, prior to any meeting, it becomes apparent that the originally designated place of meeting is insufficient to accommodate all of the members of the public wishing to attend.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on October 11, 1978.



Charlene G. Arnold
Clerk of the Commission