

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Eva T. Hudak and Torrington)
Citizens Educational League, Inc.) Report of Hearing Officer
Complainants)
) Docket #FIC78-161
against)
) September 27, 1978
Board of Education of the City)
of Torrington,)
Respondent)
)

The above captioned matter was heard as a contested case on September 13, 1978, at which time the complainants and the respondent board appeared and presented testimony, exhibits 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 dated August 19, 1978 and filed with the Commission on August 22, 1978, the complainants alleged that the respondent board failed to comply with a prior order of the Commission in FIC Docket #78-55.
3. The respondent board was a party respondent in FIC Docket #78-55, which was decided by the Commission on July 26, 1978.
4. The Commission never sent the respondent board notice of its final decision in FIC Docket #78-55.
5. The Commission sent notice to the office of the attorney who represented the respondent board at the Commission's hearing in FIC Docket #78-55.
6. However, said attorney was out of his office on vacation at the time of receipt of such notice. He did not return from vacation to read such notice until August 21, 1978, two days after the date of the present appeal.
7. It is found that the respondent board did not fail to comply with a prior order of the Commission as alleged.
8. Paragraph 5 of the order in FIC Docket #78-55 states:

The respondent shall forthwith amend the minutes of its February 27, 1978 meeting to set forth the nature of the emergency under which such meeting was convened as an emergency meeting and the nature of such proceedings.

9. On September 6, 1978, the respondent board amended the minutes of its emergency meeting of February 27, 1978.

10. Both parties hereto now ask that the Commission decide whether or not the amendments to such minutes comply with the Commission's order in FIC Docket #78-55.

11. In so deciding, the Commission shall read paragraph 5 of the order in FIC Docket #78-55 together with paragraph 1 of the same order which reads as follows:

Henceforth, the minutes of any emergency special meeting held by the board shall adequately set forth the nature of the emergency as required by §1-21, G.S. In this regard, the minutes are required to reflect the board's reasoning why it could not discuss or act upon the business taken up therein at some later time so as to afford the public the notice required under §1-21, G.S.

12. In deciding whether the minutes as amended reflect the board's reasoning why its meeting of February 27, 1978 was called as an emergency special meeting, this Commission is not deciding on the propriety of the respondent board's action in dispensing with the requirement of posting notice to such meeting.

13. It is found that the minutes of February 27, 1978, as amended, fully reflect the respondent board's reasoning why such meeting was held as an emergency special meeting without first posting notice of special meeting as required by §1-21, G.S.

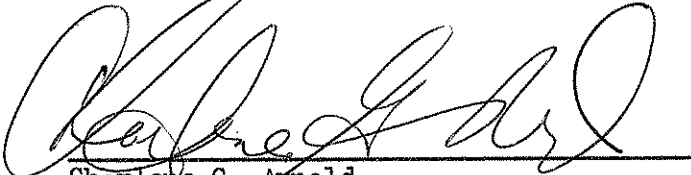
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The complaint is hereby dismissed.


Commissioner Donald Friedman

as Hearing Officer

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


Charlene G. Arnold
Clerk of the Commission