

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Marshall H. P. Klimasewiski, Jr.,
Complainant

Report of Hearing Officer

against

Docket #FIC79-136

The Deer Island Association;
and Board of Directors of the
Deer Island Association,
Respondents

August 8, 1979

The above captioned matter was heard as a contested case on August 1, 1979, at which time the complainant appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent association is a public agency within the meaning of §1-18a(a), G.S.

2. By letter filed with the Commission on June 21, 1979, the complainant alleged that the respondent association had failed to provide him with notice by mail of each of its meetings as requested by him pursuant to §1-21c, G.S.

3. The complainant made such request as recently as May 1, 1979, without compliance by the respondent association.

4. By letter from the respondent association dated July 30, 1979, and received by the Commission on August 7, 1979, the respondent association promised the following:

a. The respondent association will send the complainant written notice of any meeting scheduled seven (7) or more days in advance of the date of the meeting.

b. The respondent association will provide the complainant with the same notice as the notice which is provided to the board of directors of the respondent association, usually by telephone, with respect to meetings scheduled less than seven (7) days in advance of the date of the meeting.

5. Prior to July 30, 1979, the respondent association was in violation of §1-21c, G.S.

6. The respondent association, if it performs on its promise as outlined in paragraph 4 of the Findings hereinabove, will bring its actions fully within the affirmative requirements of §1-21c, G.S.

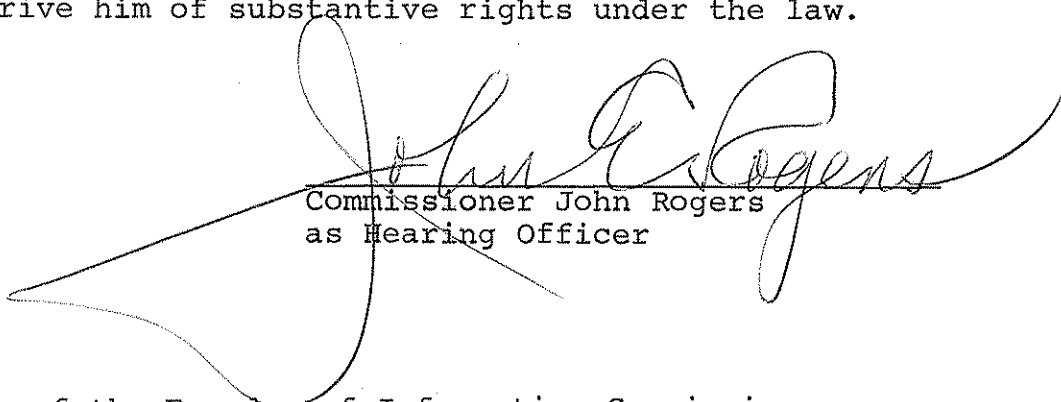
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondent association shall send the complainant written notice of any meeting it schedules seven (7) or more days in advance of the date of the meeting.

2. The respondent association shall provide the complainant with the same notice as it provides to its board of directors, with respect to meetings scheduled less than seven (7) days in advance of the date of meeting.

3. The respondent association is advised that it must provide the public with all of the other substantive rights conferred under the Freedom of Information law including, but not limited to, the right to photograph, record, broadcast, or record for broadcast, the proceedings of its meetings pursuant to §1-21a, G.S.

4. The respondent association is further advised that the further violation of rights conferred under the Freedom of Information law could result in a Commission order declaring its actions null and void. In this regard, the complainant expressed an intention at hearing to seek such sanction in the event that the association continues to deprive him of substantive rights under the law.



Commissioner John Rogers
as Hearing Officer

Approved by order of the Freedom of Information Commission
on August 22, 1979.



Leslie Ann McGuire
Clerk of the Commission