

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Natalie Sirkin, et al.

Complainants

Final Decision

against

Docket #FIC80-14

Sherman Inland-Wetlands and
Watercourse Commission,
Respondent

May 14, 1980

The above captioned matter was heard as a contested case on February 28, 1980, at which time the complainant Sirkin and the respondent commission appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent commission is a public agency as defined by §1-18a(a), G.S.

2. On January 25, 1980, the respondent commission held a special meeting.

3. By notice of appeal filed with this Commission on January 28, 1980, the complainants alleged that the aforesaid special meeting was held without proper public meeting notice.

4. The notice for the aforesaid special meeting was filed more than twenty-four hours in advance of such session and specified the item of business to be transacted thereat.

5. The essence of the instant complaint is the failure of the chairman of the respondent commission to honor an agreement with the complainant Sirkin to meet at 8:00 p.m. rather than 7:30 p.m. on January 25, 1980, which resulted in the complainant Sirkin arriving at the meeting seven minutes after it had convened.

6. The meeting in question was publicly noticed for 7:30 p.m. The respondent commission's action in meeting prior to 8:00 p.m. was therefore proper.

7. The failure of the chairman to keep his understanding with the complainant Sirkin was due to a clerical error based upon the respondent commission's custom of convening its special meetings at 7:30 p.m.

8. In any event, such failure does not present a Freedom of Information question in the absence of a deficient public notice or bad faith on the part of the respondent commission, and it is the public notice that was actually posted that must, under the circumstances of this case, be given operative effect.

9. Lastly, the complainant Sirkin complains of the respondent commission's failure to hold a public hearing prior to deciding the item of business scheduled for January 25, 1980.

10. The Commission does not have jurisdiction to require a public hearing over any matter within the authority of the respondent commission for which proper public meeting notice was posted.

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. The respondents are cautioned that notice of its special meetings should be as specific as possible so that the public will be duly apprised of the business to be transacted at such meetings.

Approved by order of the Freedom of
Information Commission on May 14,
1980



Leslie Ann McGuire
Clerk of the Commission