

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
John Dykun,

Report of Hearing Officer

Complainant

Docket #FIC81-212

against

Town of Branford; Board of Selectmen,  
Town of Branford; 1st Selectman, Town  
of Branford; 2nd Selectman, Town of  
Branford,

Respondents

The above captioned matter was heard as a contested case on April 27, 1982 at which time the complainant and the respondents 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 and selectmen are public agencies within the meaning of §1-18a(a), G.S.

2. By letter of complaint filed with the Commission on December 11, 1981, the complainant alleged that the two respondent selectmen had held a meeting, without public notice, on November 13, 1981 to discuss the acquisition of property owned by one Nicholas Dykun.

3. It is found that two members of the respondent board of selectmen constitute a quorum.

4. It is found that on November 13, 1981, the respondent first selectman met, without public notice, with John Dendas the respondent second selectman, and one Nicholas Dykun to discuss the acquisition of property owned by Mr. Dykun.

5. It is found that John Dendas was elected to the position of selectman on November 3, 1981 but was not sworn in until November 17, 1981.

6. It is found that on November 13, 1981, the respondent board consisted of the named respondent first selectman and Alexander Robertson, Jr. and James Milne, Selectmen.


7. It is therefore found that only one member of the respondent board was present at the November 13, 1981 gathering.

8. It is therefore concluded that the November 13, 1981 gathering was not a meeting of the respondent board, within the meaning of §1-18a(b), G.S.

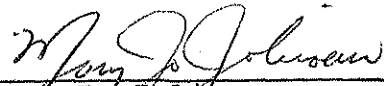
9. It is therefore concluded that the respondent board did not violate §1-21, G.S. when it failed to post a notice of the November 13, 1981 gathering.

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.

  
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Commissioner Judith A. Lahey  
as Hearing Officer

Approved by order of the Freedom of Information Commission  
at its regular meeting of August 11, 1982.

  
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Mary Jo Jolicoeur  
Clerk of the Commission