

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Louis D'Onofrio, Jr.,

FINAL DECISION

Complainant

Docket #FIC83-249

against

May 9, 1984

West Haven Board of Police
Commissioners of the City and
Town of West Haven,

Respondents

The above captioned matter was heard as a contested case on February 21, 1984 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

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

2. At 7:00 p.m. on December 14, 1983 the respondent held a special meeting, notice of which was filed with the city clerk at 4:31 p.m. on December 13, 1983.

3. Pursuant to a request by the complainant, the respondent agreed in a March 11, 1983 letter to provide the complainant with notice by mail of all regular and special meetings of the respondent.

4. Notice of the respondent's December 14, 1983 meeting was mailed to the complainant, but was not received until after the meeting. Such notice was postmarked December 15, 1983.

5. By letter of complaint filed with the Commission on December 20, 1983 the complainant alleged that he had not been informed of the December 14, 1983 meeting, in violation of §1-21c, G.S., and that the respondent's failure to notify him further constituted a violation of the Commission's order in FIC#83-74, Louis D'Onofrio v. Board of Police Commissioners of the City and Town of West Haven. The complainant asked that any action taken at the December 14, 1983 meeting be declared null and void and that the Commission impose a civil penalty pursuant to §1-21i(b), G.S.

6. §1-21c provides that a public agency shall

where practicable, give notice by mail of each regular meeting, and of any special meeting which is called, at least one week prior to the date set for the meeting, to any person who has filed a written request for such notice with such body, except that such body may give such notice as it deems practical of special meetings called less than seven days prior to the date set for the meeting.

7. Notice of the December 14, 1983 meeting was delivered to the home of each member of the respondent, but no such notice was sent to the complainant. Neither did the respondent attempt to contact the complainant by telephone or otherwise provide him with notice of the meeting.

8. It is found that the respondent had reason to know that mailed notice of the December 14, 1983 meeting would be meaningless.

9. It is found that the fact that an agency may provide "such notice as it deems practical" does not relieve the respondent of all responsibility with respect to meetings called less than 7 days prior to the date set for the meeting.

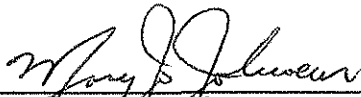
10. It is concluded that the respondent violated §1-21c, G.S. when it failed to make any attempt to provide the complainant with meaningful notice of its December 14, 1983 meeting.

11. The Commission hereby declines the complainant's requests regarding the imposition of a civil penalty pursuant to §1-21i(b), G.S. and the issuance of a null and void order.

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

1. The respondent shall henceforth provide to those requesting notice pursuant to §1-21c, G.S., such advance notice as it deems practical of special meetings called less than 7 days prior to the date set for such meetings.

Approved by order of the Freedom of Information Commission at its regular meeting of May 9, 1984.



Mary Jo Jolicœur
Clerk of the Commission