

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
John D. Reichard,

FINAL DECISION

Complainant

Docket #FIC85-54

against

August 28, 1985

Asbestos Remedial Action Committee
of the Town of Bethel,

Respondent

The above-captioned matter was heard as a contested case on June 19, 1985 in conjunction with FIC 85-71, Geraldine Mills v. Asbestos Remedial Action Committee of the Town of Bethel, 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., appointed by the Bethel Board of Selectmen to study and act in an advisory capacity with respect to the removal of asbestos from Bethel High School.

2. By letter of complaint filed with the Commission on February 22, 1985 the complainant alleged that the respondent failed to provide minutes, notice or agendas for any of its four meetings. The complainant made specific reference to meetings held on February 7, 1985 and February 21, 1985.

3. The complainant further alleged that on February 7, 1985, having noted the absence of minutes for two previous meetings, the complainant, who is not a member of the respondent, was instructed by the chairman of the respondent to prepare minutes, but that on February 21, 1985 the chairman refused to discuss the minutes prepared by the complainant.

4. The dispute between the chairman of the respondent and the complainant regarding the complainant's preparation of minutes is not a matter over which this Commission has jurisdiction.

5. The complainant also alleged that the respondent convened its February 21, 1985 meetings with less than a quorum present. Nothing in the Freedom of Information Act, however, prohibits a public agency from meeting with less than a quorum.

6. On March 14, 1985 the respondent placed on file minutes of its December 17, 1984, January 24, 1985, and February 7, 1985

special meetings. Such minutes were not made available to the public within 7 days of such meetings, in violation of §1-21(a), G.S.

7. Minutes of the respondent's February 21, 1985 meeting were made available to the public on March 1, 1985, in a timely manner.

8. It is found that the respondent failed to provide notice to the public of any of the meetings in question. The December 17, 1984 meeting of the respondent, however, was held more than 30 days prior to the filing of the complainant's complaint and is therefore not a matter over which this Commission has jurisdiction.

9. It is concluded that the respondent violated §1-21(a), G.S. when it failed to provide notice to the public of its January 24, 1985, February 7, 1985 and February 21, 1985 meetings.

10. There was no indication at hearing that the respondent, a temporary committee, filed a schedule of regular meetings. If no schedule was filed, each meeting of the respondent was a special meeting. §1-21(a), G.S. requires the filing and posting of notices of special meetings, which notices must specify the time and place of the meeting and the business to be transacted. The Commission notes that references at hearing were to the filing and posting of "agendas," rather than "notices." When an adequate notice of special meeting is properly filed and posted, the language of §1-21(a), G.S. does not require the additional filing of an agenda.

11. The respondent claims that it has finished its limited task of advising the board of selectmen of the Town of Bethel regarding removal of asbestos from Bethel High School and that an order from this Commission regarding future conduct would therefore, be without effect.

12. It is found that the respondent is composed in part of persons who serve as members of other multi-member public agencies. The Commission, however, hereby declines the complainant's request for the imposition of a civil penalty pursuant to §1-21(b), G.S.


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

1. The members of the respondent, in their capacities as public officers or employees, shall henceforth act in strict compliance with the requirements of §1-21(a), G.S. regarding notice and minutes of meetings of public agencies.

2. Although the Commission has declined the complainant's

request for the imposition of a civil penalty, the members of the respondent are advised that future violations of the Freedom of Information Act, as members of the respondent or of other public agencies, could subject them to the imposition of such penalties.

Approved by order of the Freedom of Information Commission at its regular meeting of August 28, 1985.



Mary Jo Jolicoeur
Clerk of the Commission