FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Paul F. DeFino

Complainant

against

Smith House Program Review Committee; Chairperson Of The Smith House Program Review Committee; Mayor Of Stamford; and The City and Town of Stamford

Respondents

FINAL DECISION

Docket #FIC 85-126

October 23, 1985

The above captioned matter was heard as a contested case on August 2, 1985 at which time the complainant and the respondents appeared, stipulated as to certain facts and presented testimony, exhibits and argument on the complaint.

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

1. The complainant was the administrator of the Smith House Skilled Nursing Facility and Residence until dismissed by the respondent mayor effective April 1, 1985.

2. By letter filed with the Commission on June 6, 1985, the complainant alleged that the respondent committee held unnoticed and closed meetings between July 1, 1984 and January 16, 1985, and failed to record votes and file minutes. The complainant claimed that he first learned the times, places, dates and agenda of these meetings on May 8, 1985.

2. The respondents moved to dismiss because the complaint was not timely filed pursuant to §1-21i(b), G.S.

3. Between June 1, 1984 and January 16, 1985 the respondent committee held 42 meetings.

4. In May, 1984 the complainant learned that the purpose of the respondent committee included a review of the administrative structure and policies of Smith House.

5. On January 16, 1985, the respondent committee issued a report in which it recommended the removal of the complainant as administrator of Smith House. On or about January 16, 1985, the complainant read a copy of the report.

6. On May 1, 1985, the complainant learned the dates of the respondent committee's 42 meetings.

7. The complaint was filed with the Commission on June 6, 1985, more than thirty days after May 1, 1985.

8. The complainant argued that his appeal was timely because he was not aware until May 8, 1985 that most of the meetings were unnoticed and closed to the public.

9. Under §1-21i(b), G.S., an appeal concerning an unnoticed or secret meeting must be filed within thirty days after the complainant receives actual notice that such meeting was held.

10. It is concluded that the Commission lacks jurisdiction to consider the complaint because it was not filed within the time limits required by §1-21i(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 complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its regular meeting of October 23, 1985.

Mary Jo Tolicoeur
Clerk of the Commission