

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Joseph Pascale,

FINAL DECISION

Complainant

Docket #FIC85-137

against

Redevelopment Commission of the
City and Town of West Haven,

December 11, 1985

Respondent

The above captioned matter was heard as a contested case on September 18, 1985 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. By letter of complaint filed with the Commission on June 19, 1985 the complainant, who is a member of the respondent, alleged that on or about June 5, 1985 the chairman conducted a telephone poll of a majority of the respondent, in violation of the Freedom of Information Act.
3. The complainant further alleged that a regular meeting scheduled for June 3, 1985 was cancelled because certain members of the respondent were instructed to absent themselves from the meeting in order to avoid a quorum.
4. The respondent is composed of five members, of which three constitute a quorum.
5. It is found that on or about May 29, 1985 the chairman became aware that he and one other member of the respondent, Mr. Francis, would be unable to attend the meeting scheduled for June 3, 1985.
6. Another member, Mr. Gallagher, subsequently stated that he would not be attending, in order to force the cancellation of the meeting.
7. It is found that although politically motivated, the cancellation of the June 3, 1985 meeting did not violate any provision of the Freedom of Information Act. The Act does not require that meetings be cancelled only for good cause.

8. It is found that following the cancellation of the respondent's June 3, 1985 meeting the chairman was contacted by the owner of the Casino restaurant, who wanted to order a sign for his building and needed the approval of the respondent.

9. The chairman of the respondent told the owner of the restaurant that he would check with other members to see if any of them objected to the placement of the sign.

10. On June 5, 1985 at approximately 9:45 p.m. the chairman telephoned Mr. Adams, a member of the respondent, and asked him if he would approve a request by the Casino restaurant for placement of a sign on its building. The chairman informed Mr. Adams that two members of the respondent had already agreed and that approval for the sign would be given before the respondent's next meeting its members were agreed.

11. Mr. Adams objected to the chairman's attempt to elicit his opinion on the sign issue, warned the chairman that his actions could violate the Freedom of Information Act and terminated the conversation.

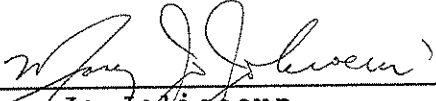
12. The respondent held a special meeting on June 11, 1985 to review and take action on the Casino restaurant's sign request.

13. It is found that the chairman's telephone calls to two other members of the respondent constituted a meeting within the meaning of §1-18a(b), G.S., held without notice, in violation of §1-21(a), G.S.

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 comply with §§1-18a(b) and 1-21(a), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of December 11, 1985.



Mary Jo Jolicœur
Clerk of the Commission