

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

JONATHAN J. EINHORN,

Complainant

against

Docket No. FIC 85-213

BOARD OF FINANCE OF THE CITY
OF NEW HAVEN,

Respondent

February 26, 1986

The above captioned matter was heard as a contested case on January 17, 1986, 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 dated September 20, 1985, the complainant made a request of the chairman of the respondent for "an advance agenda" of each meeting, both regular and special, held by the respondent.
3. By letter dated September 30, 1985, the chairman of the respondent denied the complainant's request that an agenda be made available more than 24 hours in advance of each meeting.
4. By letter of complaint filed with the Commission on October 17, 1985, the complainant appealed the respondent's denial of his request and asked that the Commission impose a civil penalty against the respondent.
5. In a November 6, 1985, response to the complainant's allegations the respondent requested the imposition of a civil penalty against the complainant on the ground that his complaint was filed frivolously, without reasonable grounds and solely for the purpose of harassing the respondent.
6. The complainant claims that pursuant to §1-21(a), G.S. the respondent is required to file its agendas in a public place no less than 24 hours in advance of each meeting and, as a separate and distinct requirement, required to give "reasonable" advance notice to the public of the content of such agendas.

7. The respondent meets every Thursday at 9:00 a.m. The agendas for each of the respondent's meetings are made available no later than the preceding Wednesday at 9:00 a.m. The agendas, however, are not available earlier than Wednesday at 9:00 a.m.

8. It is found that the actions of the respondent with respect to the availability of its agendas comply with the requirements of §1-21(a), G.S. and that the requirement proposed by the complainant is neither explicitly nor implicitly contained in the Freedom of Information Act.

9. The Commission does not deem appropriate the imposition of a civil penalty, as requested by the respondent.

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

The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its regular meeting of February 26, 1986.



Karen J. Haggett
Clerk of the Commission