

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by                   FINAL DECISION

Nicholas B. Wynnick,  
                          Complainant

                  against

Docket #FIC 85-224

Ansonia Library Board  
of Directors,

                  Respondent

August 13, 1986

The above-captioned matter was heard as a contested case on April 22, 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 of complaint filed with the Commission on October 7, 1985 the complainant alleged that at a regular meeting held on September 9, 1985 the respondent convened in executive session and that in doing so "they violated the sections of the Connecticut General Statutes pertaining to executive sessions." By a second letter of complaint filed with the Commission on October 7, 1985 the complainant alleged that on October 2, 1985 he made a written request to inspect public records but "did not receive all requested."
3. Following an October 16, 1985 inquiry from the Commission the complainant clarified his complaint by letter dated October 25, 1985 by stating with respect to the September 9, 1985 meeting that the respondent violated the Freedom of Information Act by stating "personnel policy" as the reason for convening in executive session, without further explanation. With respect to his request for records the complainant stated that he had been denied a copy of the "corrected" minutes of a May 6, 1985 meeting of the respondent. The complainant also alleged that the respondent claims that city hall is the official repository for Ansonia Library public records and asked that the Commission make a determination that all records should be maintained at the library itself.

4. At hearing, the complainant raised the claims that the agenda for the respondent's September 9, 1985 meeting was not sufficiently specific and that persons other than agency members attended the September 9, 1985 executive session, in violation of §1-21g, G.S. Such claims, however, were not raised in the complaint and will not, therefore, be treated here.

5. The minutes of the respondent's September 9, 1985 meeting indicate that at such meeting the respondent convened in executive session "to discuss personnel problems." Upon questioning by the complainant, who was in attendance at the meeting, the president of the respondent stated that the executive session was being convened to discuss "personnel policy," and refused to respond to the complainant's request for a more specific statement.

6. Section 1-21(a), G.S. provides that a public agency may hold an executive session upon an affirmative vote of two-thirds of those present and voting, taken at a public meeting and stating the reasons for the executive session.

7. It is found that neither "personnel problems" nor "personnel policy" states a proper purpose for an executive session as such purposes are defined at §1-18a(e), G.S. The respondent may have convened in executive session for a proper purpose, but such fact could not be determined from the information provided to the public at the respondent's September 9, 1985 meeting.

8. It is concluded that the respondent violated §1-21(a), G.S. when it failed to identify a proper purpose for its September 9, 1985 executive session.

9. At its June 3, 1985 regular meeting the respondent took action to correct the minutes of its May 6, 1985 meeting to reflect motions to convene in executive session and to reconvene in public session.

10. On October 2, 1985 at 9:57 a.m., 11:08 a.m. and 11:27 a.m. the complainant made written requests of the respondent for the corrected minutes of the May 6, 1985 meeting. In response to the first two requests the complainant was given copies of the originally-prepared minutes and in response to the third the complainant was told that "you have seen everything we have. If you are not satisfied please check with City Hall who is the official repository for all such public records."

11. It is found that the respondent keeps copies of its records at an office in the Ansonia Library. Originals of all of the respondent's records are kept at the office of the town clerk. Through an error a copy of the corrected version of the May 6, 1985 minutes was not retained by the respondent.

12. Section 1-19(a), G.S. provides that "each [public] agency shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such agency shall be kept in the office of the clerk of the political subdivision in which such public agency is located."

13. It is found that the respondent has a regular office or place of business in the Ansonia Library and that, pursuant to §1-19(a), G.S. it is required to keep and maintain its records in such office.

14. It is concluded that the respondent violated §§1-15 and 1-19(a), G.S. by failing to keep the corrected minutes of the May 6, 1985 meeting in its office or place of business in the Ansonia Library, thereby depriving the complainant of access to such minutes.


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, prior to convening in executive session, state the purpose or purposes of such executive session with sufficient specificity to provide the public with notice of the nature of the proposed discussion.

2. The respondent shall forthwith provide the complainant with a copy of the corrected minutes of its May 6, 1985 meeting.

3. The respondent shall henceforth keep and maintain its records at its office or principal place of business in the Ansonia Library.

Approved by order of the Freedom of Information Commission at its regular meeting of August 13, 1986.

  
Karen J. Hagggett  
Clerk of the Commission