

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )

Albert J. Carilli and  
Joyce E. Carilli, Complainants ) Report of Hearing Officer  
against ) Docket #FIC76-163  
Town of Coventry and the ) October 21, 1976  
Board of Education of the )  
Town of Coventry, )  
Respondents )

The above captioned matter was heard as a contested case on October 6, 1976, at which time the complainant and the respondent board appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondents are public agencies.
2. By letter of complaint dated September 21, 1976, and filed with this Commission on September 22, 1976, the complainants alleged that a record of the votes taken at, and the minutes of, the respondent board's meeting of September 13, 1976 were not placed on file and made available for public inspection as required by §6 of P.A. 75-342.
3. The minutes of the September 13, 1976 meeting were made available to the public on September 21, 1976 and contained therein a record of those voting in the majority on a candidate to fill a vacancy occurring on the respondent board. There was no record of abstaining or dissenting votes.
4. The complainants further alleged that on September 20, 1976, there was an illegal meeting by telephone of respondent board in violation of P.A. 75-342.
5. On September 20, 1976, the members of the respondent board were telephoned by the secretary of the superintendent of schools for the sole purpose of establishing which board members voted in the majority on the selection of the new board member at the September 13, 1976 meeting.
6. The respondent board contends that §10-218 of the General Statutes, providing for election by ballot of the officers of

respondent board from among its number, must be read together with §10-219 of the General Statutes, providing for the filling of a vacancy occurring on respondent board.

7. The respondent board further contends that it is the legislature's intention that this ballot selection process be held secretly.

8. In the case of Winston Heimer v. South Windsor Board of Education, et al, Docket #FIC 75-21, this Commission found that the use of the term "ballot" in §10-218 indicated the legislature's intention that it be treated differently from a vote on an issue under §6 of P. A. 75-342. The Commission concluded that the members of the board of education were entitled to indicate their choices for such board's officers by means of secret ballots and the ballot of each member is not required to be recorded in the minutes of the meeting.

9. The issue before this Commission is, therefore, whether or not the ballots of the members of the respondent board in filling a vacancy on such board is a vote on an issue falling under the requirements of §6 of P. A. 75-342.

10. It is found that the choice of a new member to the respondent board is an issue before such board. Under the circumstances hereinabove cited, the respondent board must choose a new member from outside its number to fill a vacancy that has occurred. This selection process is properly a vote on an issue before respondent agency and concerns the citizenship of the entire town.

11. It is also found that the records of votes taken and the minutes of the meeting were not made available to the public within the time requirements of §6 of P. A. 75-342.


12. It is further found that the telephonic communication between the secretary of the superintendent of schools and the members of the respondent board does not constitute a meeting within the meaning of P. A. 75-342 since its sole purpose and sole result was informal.

On the basis of the record concerning the above captioned complaint, I hereby recommend the following order by the Commission:


1. The respondent board shall forthwith make available for public inspection the votes of all its members on the selection of a candidate to fill the vacancy of the unexpired term of one of its members, as taken at its September 13, 1976, meeting.

2. Henceforth, the respondent board shall strictly comply with the requirements of §6 of P. A. 75-342 concerning the record of votes taken and the availability of the minutes of its meeting.

3. As to the September 20, 1976 telephonic communication, the complaint is hereby dismissed.

  
Commissioner Judith Lahey  
as Hearing Officer

Approved by order of the Freedom of Information Commission on  
October 27, 1976.

  
Louis J. Tapogna  
as Clerk of the Commission