

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Neil O'Donoghue, Myron Garrett ) Report of Hearing Officer  
and Alex Cislo, Complainants )  
 ) Docket #FIC76-193  
 )  
 ) against )  
 ) December ~~7~~<sup>7</sup>, 1976  
 )  
 ) State of Connecticut; and the )  
 ) Board of Trustees for State )  
 ) Technical Colleges, )  
 ) Respondents )  
 )

The above captioned matter was heard as a contested case on November 30, 1976, at which time the complainants and the respondents 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 as defined by §1(a) of P.A. 75-342.

2. On October 21, 1976, the respondent board held a meeting at 2:00 p.m. at the Norwalk State Technical College.

3. At this meeting, the respondent board discussed and voted upon the merits of a complaint brought by the same complainants as in this case.

4. By letter addressed to the executive director of the respondent board, dated September 27, 1976, the complainants requested to appear and testify at the respondent board's meeting at which their complaint would be treated. The complainants received no response.

5. The complainants filed the present complaint with this Commission on November 4, 1976. The gravamen of their complaint is that the October 21, 1976 meeting was a special meeting improperly noticed and that the subject of their complaint to the respondent board was not noticed as part of the business for such special meeting in violation of §6 of P.A. 75-342. The complainants further alleged that the minutes and record of the votes of each member of the respondent board at such meeting were not available for public inspection or copying in accordance with §6 of that Act.

6. The respondent board admits that such minutes and record of votes were not available to the public within the period prescribed by P.A. 75-342, but state that they are now available.

7. The respondent board contends that its meeting on October 21, 1976 was a regular meeting.

8. It is found that on or about June 29, 1976, the secretary to the respondent board, in good faith, caused an amended schedule of its regular meetings for 1976 to be mailed to the office of the Secretary of the State. This amended schedule included the meeting on October 21, 1976.

9. The office of the Secretary of the State apparently did not receive this amended schedule, which was not on file before the meeting in question.

10. It is further found that the respondent board traditionally and regularly meets on the third Thursday of each month.

11. In view of the above, it is concluded that the respondent board's meeting of October 21, 1976 was a regular meeting and that the subject of the complaint brought to that agency by the complainants need not have been publicly noticed under §6 of P.A. 75-342.

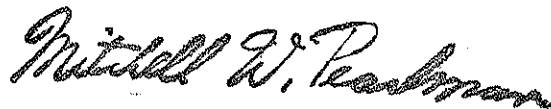
12. It should also be noted that the respondent board's schedule of regular meetings for 1976-77 is now on file in the office of the Secretary of the State.

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

1. Henceforth, the respondent board shall strictly comply with the requirements of P.A. 75-342 concerning the public availability of minutes and records of votes of its members upon issues before such board.

2. Henceforth, the respondent board shall take all steps necessary to ensure that its schedule of regular meetings and notices of special meetings are properly filed with the office of the Secretary of the State, in accordance with §6 of P.A. 75-342.

By order of the Freedom of  
Information Commission



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Mitchell W. Pearlman as  
Acting Clerk of the Commission