

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Barbara Y. Doyle,

Complainant

Final Decision

against

Docket #FIC78-140

City and Town of Bristol; and  
the Board of Education of the  
City and Town of Bristol,  
Respondents

November 29, 1978

The above captioned matter was heard as a contested case on September 26, 1978, at which time the complainant 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 within the meaning of §1-18a(a), G.S.
2. The respondent board held a meeting on June 7, 1978 which included an executive session to consider personnel matters.
3. By letter filed with this Commission July 18, 1978 the complainant alleged that the minutes of the June 7, 1978 executive session of the respondent board were improper because they did not adequately reflect the votes taken; the complainant further alleged that the executive session was improper because the respondent board violated the requirement of the Freedom of Information Act that votes be taken in public session.
4. The respondent board claimed by way of defense that it had taken no votes during the executive session, and that any language in the minutes which suggests that a decision was reached without a vote was simply the result of an unfortunate choice of words by the employee who records the minutes.
5. During the executive session the respondent board reviewed a Freedom of Information Commission decision and determined not to pursue the matter further.
6. The aforesaid decision of the respondent board is reflected in the minutes by the following language: "It was the consensus not to pursue the matter."

7. During the same executive session the respondent board reviewed its current hiring and personnel policies in the light of a recent inquiry concerning employment by a highly qualified applicant whose experience and other qualifications would put him in a salary bracket which, under the current policy, would preclude him from consideration.

8. The respondent board decided that exceptional candidates should be interviewed.

9. The above decision by the respondent board of education was reflected in the minutes as follows:

...it was suggested that candidates of unusual calibre warranting consideration be brought to the attention of the Board. In the meantime, suggested goals of comprehensive guidelines and policies on hiring procedures would be given further study.

10. The respondent board considered a request from the United States Office of Education that it grant permission to the complainant to attend a conference in Chicago and that it also provide funds for her air-fare to Chicago.

11. The respondent board decided that, while the complainant could have leave to attend that conference, her expense allowance must be limited to \$25.

12. The minutes reflect the decision of the respondent board in the following manner:

It was the majority consensus that permission be granted for Mrs. Doyle to be absent from her teaching duties to attend the conference and that expenses be limited to the maximum of \$25. for educational conferences if such allowance has not been utilized previously for other conferences.

13. It is found that all three of the decisions described above in paragraphs 4 through 11 were in fact votes of the respondent board of education.

14. It is concluded, therefore, that the respondent board's use of "consensus", "majority consensus" and "it was suggested" to record actual decisions and votes of the board violates the requirement of §1-21, G.S. that the vote of each member upon any issue before such agency be recorded in the minutes.

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

1. The respondent board of education shall henceforth comply with the requirements of §1-21, G.S.

Approved by order of the Freedom  
of Information Commission on  
November 29, 1978.

A handwritten signature in cursive script, appearing to read "Charlene G. Arnold", written over a horizontal line.

Charlene G. Arnold  
Clerk of the Commission