

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Saul Lemasky,

Complainant

against

Board of Governors of the Crescent  
Beach Association and Estelle Flanagan,

Respondents

Report of Hearing Officer

Docket #FIC81-213

May 18, 1982

The above captioned matter was heard as a contested case on April 26, 1982, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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

1. The respondent board is a public agency as defined by §1-18a(a), G.S.
2. On November 24, 1981, the respondent board held a meeting, notice for which stated that it was a regular meeting.
3. By letter of complaint filed with the Commission on December 14, 1981, the complainant alleged as follows:
  - a) That although noticed as a regular meeting, the November 24, 1981 meeting was not listed in the respondent board's schedule of regular meetings.
  - b) That the notice for such meeting was not properly posted.
  - c) That notice of the meeting was not properly given to the secretary and treasurer of the respondent board.
  - d) That the complainant received no notice of the meeting, although he had submitted a request for notice of meetings pursuant to §1-21c, G.S.
  - e) That 14 days following the meeting, no record of votes and no minutes had been filed by the respondent board.
4. It is found that the November 24, 1981 meeting was not listed in the respondent board's schedule of regular meetings.
5. It is therefore concluded that the November 24, 1981 meeting of the respondent board was a special meeting, as contemplated by §1-21, G.S.

6. It is further concluded that failure to list such meeting in the respondent board's schedule of regular meetings did not constitute a violation of §1-21, G.S.

7. The complainant alleged that the respondent failed to post notice of its November 24, 1981 meeting on two bulletin boards usually used for such purpose, and that such notice as was posted was not posted in a timely manner.

8. It is found that notices were posted on the two bulletin boards in question but that such notices were apparently lost or destroyed prior to the November 24, 1981 meeting.

9. It is found, however, that the respondent board's practice of posting special meeting notices in a place other than the office of the town clerk of East Lyme is not required by §1-21, G.S.

10. It is also found that the respondent board posted notice of the November 24, 1981 meeting in the office of the town clerk of East Lyme more than twenty-four hours prior to the time of such meeting, as required by §1-21, G.S.

11. It is therefore concluded that the respondent board did not violate §1-21, G.S. in the posting of notice of its November 24, 1981 special meeting.

12. The complainant alleged that notice of the November 24, 1981 meeting of the respondent board was given to the president and treasurer of the respondent board on November 21, 1981, but failed to prove that such notice violated any provision of the Freedom of Information Act.

13. It is therefore concluded that the respondent board did not violate the requirements of §1-21, G.S. in the giving of notice of the November 24, 1981 meeting to its president and treasurer.

14. It is found that the complainant had requested notices of meetings of the respondent board, pursuant to §1-21c, G.S., prior to the November 24, 1981 meeting.

15. It is found that written notice of the November 24, 1981 meeting was not given to the complainant.

16. It is found that the November 24, 1981 meeting was called on November 20, 1981.

17. It is found that pursuant to §1-21c, G.S., where a special meeting is called less than seven days prior to the date set for such meeting, an agency may give such notice as it deems practical to an individual who has filed a request for written notice of meetings.

18. It is found that attempts by the respondent to give the complainant notice by telephone were unsuccessful because the complainant was out of state on November 20, 1981 and did not return until December 7, 1981.

19. It is therefore concluded that the respondent board did not violate §1-21c, G.S. when it failed to give written notice to the complainant of its November 24, 1981 meeting.

20. It is found that the minutes and record of votes of the November 24, 1981 meeting were not filed with the East Lyme town clerk until December 9, 1981, due to an illness in the family of the respondent Flanagan.

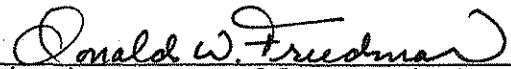
21. It is therefore concluded that the respondent board violated §1-21, G.S. in the filing of the minutes and the record of votes of its November 24, 1981 meeting.

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

1. The complaint is hereby dismissed as to the allegations contained in paragraphs 3a), b), c) and d) of the findings, above.

2. The Commission suggests that the respondent board take steps to ensure that notices posted on the bulletin boards used for such purpose are not destroyed by the elements or vandalism.

3. Henceforth the respondent board shall act in strict compliance with the requirements of §1-21, G.S. regarding the filing of minutes and of records of votes.



Commissioner Donald W. Friedman  
as Hearing Officer

Approved by order of the Freedom of Information Commission  
at its regular meeting of June 23, 1982.



Mary Jo Jolicoeur  
Clerk of the Commission