

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Ann Mikulak,

Complainant

Report of Hearing Officer

against

Docket #FIC79-137

City and Town of New Britain; and
Board of Education of the City
and Town of New Britain,
Respondents

February 27, 1980

The above captioned matter was heard as a contested case on January 17, 1980, 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 respondent board is a public agency as defined by §1-18a(a), G.S.
2. By letter filed with the Commission on June 21, 1979, the complainant alleged that the respondent board did not record the minutes of its meeting of June 4, 1979, in violation of the Freedom of Information law.
3. It is noted that the respondent board has promised to more clearly comply with the Freedom of Information law by naming the individuals who are present in its executive sessions, in the minutes of such sessions.
4. The minutes of the meeting of June 4, 1979 were recorded, contrary to the allegations of the complainant's complaint.
5. At hearing, the complainant sought to raise the question of whether the minutes of the respondent board's meeting of May 7, 1979 meeting failed to record an action which allegedly resulted in the establishment of a certain position.
6. In order for a matter relating to the respondent board's May 7, 1979 meeting to have been properly raised by the complainant, the complainant was required to first file a written appeal with the Commission within thirty days of the action complained of.
7. The complainant failed to raise such matter by filing an appeal with this Commission within the required thirty days.
8. The Commission is therefore without jurisdiction over any matter relating to the respondent board's May 7, 1979 meeting.

9. While the Commission is without jurisdiction over such matter, it is noted that the evidence presented at hearing conclusively established that the respondent board did not create a position on May 7, 1979 as alleged.

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.


Commissioner Donald Friedman
as Hearing Officer

Approved by order of the Freedom of Information Commission on March 12, 1980.


Leslie Ann McGuire
Clerk of the Commission