FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Cynthia Matthews,

Complainant

against

City and Town of Wethersfield; and
Town Council of the City and Town
of Wethersfield,

Respondents

Report of Hearing Officer

Docket #FIC81-30

July 30, 1981

The above-captioned matter was heard as a contested case on June 12, 1980, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits, and argument on the appeal.

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

1. The respondents are public agencies as defined by §1-18a(a), G.S.

2. The complainant is a minority party member of the respondent council.

3. By letter filed with the Commission on March 31, 1981, the complainant alleged that on March 16 and March 20, 1980, a quorum of the respondent council violated the Freedom of Information Act by conducting meetings without notifying either the public or the minority party members of the council.

4. At the hearing the complainant withdrew her claims that there was an improper meeting on March 20, 1981.

5. On March 16, 1981, a quorum of the respondent council met and discussed the public health and safety conditions at a local motel with the chief of police, director of social services, town sanitarian, town manager, fire marshall, and two police officers of the respondent town.

6. The March 16 meeting was originally planned as a staff meeting between the town manager and the other non-council members.

7. Various interested members of the council learned of the staff meeting by word of mouth, with the result that a quorum of the council appeared at the meeting.

8. The gathering of the quorum at the town manager office occured by accident and not by design.

9. It is concluded that the March 16, 1981 meeting described above in paragraph 5 constituted a "meeting" of the council as defined by §1-18a(b), G.S., although it was not originally planned as such.

10. It is concluded that because it was unaware that the March 16, 1981 gathering would become a meeting, the respondent council unwittingly violated §1-21, G.S., by failing to provide both the public and its own members with notice of the meeting.

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

1. The respondent shall henceforth comply with §1-21, G.S.

Donald W. Friedman
Commissioner Donald Friedman
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of September 9, 1981.

Mary Jo Jolicoeur
Mary Jo Jolicoeur
Clerk of the Commission