

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Eva T. Hudak,

Report of Hearing Officer

Complainant

Docket #FIC81-205

against

The State Board of Education  
of the State of Connecticut

Respondent

The above captioned matter was heard as a contested case on May 3, 1982 at which time the complainant and the respondent appeared and presented testimony, exhibits, and argument on the complaint.

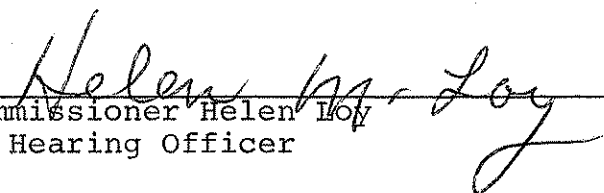
After consideration of the entire record the following facts are found:

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. On December 2, 1981 the respondent held a regular meeting at which it voted to approve four memoranda regarding personnel.
3. The complainant filed a complaint with the Commission on December 28, 1981, alleging that the respondent had violated §1-21, G.S. in its vote on the memoranda by failing to name the persons listed therein.
4. It is found that of four resolutions voted upon at the respondent's December 2, 1981 meeting, at least one was read aloud in its entirety, but at least one was not read at all prior to the taking of a vote.
5. The respondent claims that it is not necessary for the public to know the names being voted upon prior to the vote, since the public is not permitted to participate in the voting process, and since the reading of all such materials may confuse the public.
6. §1-21, G.S. provides that the meetings of all public agencies shall be open to the public, regardless of whether the public is provided an opportunity to participate.
7. The respondent claims that it did not violate §1-21, G.S. because the texts of the memoranda were available in written form following the meeting, and because the names of the persons listed in the resolutions were included in the minutes of the meeting.
8. It is found, however, that the failure of the respondent to either read the names of the persons listed in the memoranda

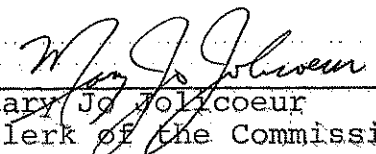
referred to in paragraph 2, above, or to make copies of such memoranda available prior to a vote, constituted a violation of §1-21, G.S.

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

1. Henceforth the respondent shall comply with §1-21, G.S., at each of its meetings either by stating the contents of each issue to be voted upon in terms meaningful to the public in attendance, or by making available to the public in attendance copies of those materials that will be referred to in each issue to be voted upon.

  
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Commissioner Helen M. Loy  
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of August 25, 1982.

  
\_\_\_\_\_  
Mary Jo Jolycoeur  
Clerk of the Commission