

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Elizabeth Kaladish and Paulette
Crone,

FINAL DECISION

Complainants

Docket #FIC84-197

against

March 27, 1985

Connecticut Indian Affairs Council
of the State of Connecticut,

Respondent

The above captioned matter was heard as a contested case on January 8, 1985 at which time the complainants appeared but the respondent failed to appear.

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 or about July 3, 1984 the respondent solicited and accepted by mail votes on the issue of the representation of the Schaghticoke tribe as a member of the respondent.

3. By final decision in FIC 84-132, Paulette Crone and Betty Kaladish v. Connecticut Indian Affairs Council of the State of Connecticut, the Commission found that the mail-in vote was conducted in violation of §1-21, G.S. and declared such vote null and void.

4. On September 15, 1984 the respondent met and voted to rescind its "Schaghticoke Tribal decision," following which it voted to consider a "draft of a proposed decision." The respondent then voted to accept the "decision as amended."

5. The September 15, 1984 gathering was not a regular meeting of the respondent.

6. By letter of complaint filed with the Commission on September 25, 1984 and amended by letter filed October 10, 1984, the complainants alleged that the respondent had provided no notice of the September 15, 1984 meeting and that the respondent had failed to timely file minutes for its September 4, 1984 and September 15, 1984 meetings.

7. The complainants requested the imposition of a civil penalty and asked that the September 15, 1984 vote be declared null and void.

8. It is found that the minutes of the respondent's September 15, 1984 meeting were not placed on file for public inspection until September 28, 1984, in violation of §1-21(a), G.S.

9. It is also found that no notice of the September 15, 1984 meeting was filed with the office of the secretary of the state until after the meeting was held, in violation of §1-21(a), G.S.

10. Although not specifically raised in the complaint, the Commission also notes that the respondent failed to provide notice to the complainants of the September 15, 1984 meeting pursuant to §1-21c, G.S.

11. No evidence being offered by the complainants on the issue of the minutes of the respondent's September 4, 1984 meeting, the Commission considers such claim abandoned.

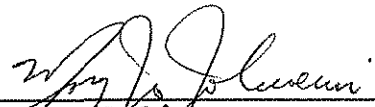
12. It is found that the respondent's failure to provide public notice of and access to its September 15, 1984 meeting to consider the issue of Schaghticoke tribal representation was without reasonable grounds within the meaning of §1-21i(b), G.S.

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

1. The Commission hereby declares null and void the respondent's September 15, 1984 decision with respect to the representation of the Schaghticoke tribe as a member of the respondent.

2. Pursuant to §1-21i(b), G.S., the respondent is hereby ordered to appear before the designated Hearing Officer in the above matter on a date designated by the Commission in the Freedom of Information Commission hearing room, 30 Trinity Street, Hartford, Connecticut, for the purpose of showing cause why a civil penalty ought not to be imposed.

Approved by order of the Freedom of Information Commission at its regular meeting of March 27, 1985.



Mary Jo Jolicoeur
Clerk of the Commission