FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Brenda Pepin, Complainant	)	Report of Hearing Officer
against	)	Docket #FIC78-137
City and Town of Norwich; and Board of Education of the City and Town of Norwich, Respondents	)	September 14, 1978

The above captioned matter was heard as a contested case on August 15, 1978 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 within the meaning of 1-18a(a), G.S.

2. On February 16, 1978, respondent board of education voted to close the Broad Street School in the city of Norwich.

3. On May 23, 1978, at a properly called special meeting of the respondent board, alternate use of the school was raised.

4. A suggestion was made to use this school for a special program, the community high school.

5. The suggestion was tabled, pending a hearing by a sub-committee of respondent, the committee on state and federal programs.

6. The committee on state and federal programs is made up of four of the nine members of the respondent board.

7. It was agreed that notice of this committee meeting would be posted.

8. This meeting was held on June 12, 1978, and many interested persons attended and commented.

9. Contrary to the May 23 board decision, no formal notice of any kind was given of the June 12 hearing.

10. Of the four members of the committee, three were present on June 12. Also one non-committee board of education member was in attendance.

11. On June 20, 1978, at its regular monthly meeting, the respondent board heard a report of the state and federal programs committee and then proceeded to vote that there be a transfer of the community high school to the Broad Street School.

12. By letter filed with the Commission July 11, 1978, the complainant alleged that the respondent board violated the notice requirements of §1-21, G.S. by its failure to post notice for the June 12 hearing.

13. The complainant further claimed that the vote taken at the June 20, 1978 meeting to transfer the community high school program should be declared null and void because of the alleged violation of §1-21, G.S.

14. The decision to close the school was made at the February 16, 1978 meeting of the respondent.

15. It is found that the complainant did not prove that the decision to transfer the community high school program was made at the June 12 meeting.

16. It is concluded that the hearing of June 12, 1978 was not a meeting within the meaning of §1-18a(b), G.S. because less than a quorum of the members of the agency were present and the actual decision to use the Broad Street School for the community high school program was made on June 20, 1978.

17. It is further concluded that the notice requirements of §1-21, G.S. do not apply to proceedings of public agencies which are not meetings within the terms of §1-18a(b), G.S.

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

1. The complaint is dismissed.

2. The respondent is cautioned that where it decides to give notice of a meeting as it did May 23, it should use its best efforts to give the notice so indicated.

Judith A Lahey
Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on September 27, 1978.

Charlene G. Arnold
Clerk of the Commission