

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Leonard B. Caplan,

FINAL DECISION

Complainant

Docket #FIC84-4

against

Hamden Board of Education
of the Town of Hamden,

May 23, 1984

Respondent

The above captioned matter was heard as a contested case on February 15, 1984 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. The respondent held a regular meeting on December 20, 1983.
3. By letter of complaint filed with the Commission on December 27, 1983 and amended on January 12, 1984, the complainant alleged that he, a member of the respondent, had attended the respondent's December 20, 1983 meeting, but that
 - a. he had been recorded in the minutes of the meeting as "sitting in the audience" rather than as attending.
 - b. his votes at the meeting had not been recorded.
 - c. the minutes did not reflect the complainant's participation in a debate.
4. It is found that at the December 20, 1983 meeting the respondent instituted a policy of assigning seats to its members. Displeased with the location of his assigned seat, the complainant declined to take the assigned seat and, instead, sat in the front row of the audience seating.
5. The respondent claims that its chairperson took the complainant's action as an indication that he was attending the meeting as a citizen, not as a board member, and thereafter refused to acknowledge the complainant's attempts to be recognized.

6. The respondent further claims that a member has never voted from a seat in the audience or by proxy.

7. §1-21, G.S. requires that "[t]he votes of each member of any . . . public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection."


8. It is found that paragraphs 3(a) and (c), above, do not allege violations of the Freedom of Information Act.

9. It is also found that in light of the respondent's determination that the complainant did not attend the December 20, 1983 meeting as a member and could not, therefore, vote, the respondent did not violate §1-21, G.S. when it omitted the complainant from the record of votes..

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.
2. The Commission notes that the decision in the above case is strictly limited to the facts contained therein.

Approved by order of the Freedom of Information Commission at its regular meeting of May 23, 1984.



Mary Jo Jolicoeur
Clerk of the Commission