FREEDOM OF INFORMATION COMMISSION OF THE STATE OF CONNECTICUT

In the Matter of a Complaint b	y)	
Winsted Evening Citizen,	-	Report of Hearing Officer
Complainant) .	,
-	-	Docket #FIC76-226
against)	
J		January 19, 1977
Town of New Hartford and Board	of)	
Selectmen of the Town of New		
Hartford, Respondents)	

The above captioned matter was heard as a contested case on January 5, 1977, 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 respondents are public agencies as defined in \$1-18a(a), General Statutes.
- 2. At 4:00 p.m. on December 15, 1976, the respondent board held a meeting in the office of the First Selectman.
- 3. By letter of complaint filed with this Commission on December 20, 1976, the complainant alleged that at the aforesaid meeting the respondent board voted on a motion that was neither read aloud nor discussed. The complainant, who was present at such meeting in the person of its reporter, contends that this action constitutes a denial of its right to attend such meeting in violation of P.A. 75-342 as amended.
- 4. It is found that the subject of the motion in question was audibly disclosed at the aforesaid meeting.
- 5. It is further found that the details of such motion were posted in memorandum form on the bulletin board of the town hall at 9:00 a.m. on December 15, 1976.
- 6. It is therefore concluded that the respondent board did not deny the complainant any right conferred by P.A. 75-342.
- 7. The testimony indicates that the respondent board did not intend to act in secret. Apparently the complainant's reporter who was present at the meeting in question was talking with other reporters about another matter at the time the

aforesaid motion was brought up. The three members of the respondent board testified that if the complainant's reporter had inquired at the time, they would have informed her of the content of the motion. Upon subsequent inquiry, two days after the meeting, the complainant's reporter did in fact learn the content of the motion from the First Selectman. Minutes containing the motion and vote of each member of the respondent board thereupon were also filed within two days of the meeting.

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

- The complaint is hereby dismissed. 1.
- This decision is limited to the facts presented herein and shall not be construed as stating the opinion of this Commission on any issue not specified in this decision.

as Hearing Officer

Approved by order of the Freedom of Information Commission on January 26, 1977.

J. Tapogna / as Clerk of the

Freedom of Information Commission