FREEDOM OF INFORMATION COMMISSION OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Raymond R. Baginski and the Southington Taxpayers Associ-)	Report of Hearing Officer Docket #FIC78-40
ation,	Complainants		DOCKET #11C10 40
against)	May 10, 1978
Town of South Council of So	ington and Town uthington, Respondents)	

The above captioned matter was heard as a contested case on April 17, 1978, at which time the complainants and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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

- 1. The respondent council is a public agency as defined by §1-18a(a), G.S.
- 2. At a meeting held on September 26, 1977, the respondent council voted to strike a certain statement from its minutes of October 15, 1974.
- 3. An asterisk was placed next to the statement as it appears in the minutes of October 15, 1974. The asterisk then refers to the page number of the September 26, 1977 minutes which records the respondent council's action in favor of striking the statement from the earlier minutes.
- 4. The statement in question was not deleted or obliterated in any way and can still be read as originally recorded in the October 15, 1974 minutes.
- 5. By letter received by the Commission on October 31, 1977, the complainants alleged that the respondent council violated the Freedom of Information Act by voting to strike the statement from the earlier minutes.
- 6. It is found that nothing in §1-21, G.S., which concerns the availability of minutes or §1-21k, which prescribes penalties for altering public records, prohibits the action of the respondent council in striking the statement from the earlier minutes as aforesaid.

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. Nothing in this decision shall be construed as commenting on the merits of this controversy since this Commission lacks jurisdiction to consider same.

Helen M. Loy

Approved by order of the Freedom of Information Commission on May 10, 1978.

Charlene G. Arnold

Clerk of the Commission