FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Frederick Pratt; George Rothstein; Henry Syskowski and George Berescik, Complainants	Report of Hearing Officer
against	Docket #FIC78-9
City and Town of New Britain; and the Board of Police Commissioners of the City and Town of New Britain, Respondents	April 17, 1978

The above captioned matter was heard as a contested case on February 15, 1978 and March 23, 1978, at which time the complainants 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 as defined by §1-18a(a), G.S.

2. At a regular meeting of the respondent board held on January 3, 1978, the respondent board voted to accept the recommendations of the chief of police concerning a certain complaint by Frederick Pratt.

3. By letter filed with the Commission on January 26, 1978, the complainants alleged that consideration of said complaint was illegally acted upon by the respondent board because such matter was not listed in the agenda for such meeting.

4. The complainants further alleged that the votes of each member of the respondent board on actions taken at such meeting were not recorded in the minutes of January 3, 1978.

5. The complainants abandoned those allegations of their complaint which concerned meetings held prior to January 3, 1978.

6. §1-21, G.S., permits a public agency, at a regular meeting, to consider and act upon any subsequent business not included in a filed agenda, upon an affirmative vote of two-thirds of the members of a public agency present and voting.

7. At its regular meeting of January 3, 1978, the respondent board unanimously voted to take up the matter of the complaint of Frederick Pratt under old business.

8. The respondent board is therefore found to have complied with the procedure required under §1-21, G.S. for taking up business not listed on the agenda of a regular meeting.

9. However, neither the action nor the vote of each member of the respondent board, in favor of taking up such business, were recorded in the minutes of January 3, 1978.

10. There were other actions of the respondent board taken at its meeting of January 3, 1978. The votes of each member of the respondent board with respect to those issues were also unrecorded in the minutes of January 3, 1978.

11. It is further found that the respondent board's minutes of January 3, 1978 do not comply with the recording requirements of §1-21, 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. Henceforth, the votes of each member of the respondent board upon any issue before it shall be recorded in the minutes of the meeting at which taken, as required by §1-21, G.S.

Judith A. Lahey
Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on April 26, 1978.

Charlene G. Arnold
Clerk of the Commission