FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Anthony Albuquerque,

Complainant

against

Town of Windsor; Town Manager of
the Town of Windsor,

Respondents

Report of Hearing Officer

Docket #FIC81-107

March 10, 1982

The above captioned matter was heard as a contested case on October 29, 1981, at which time the complainant and the respondent town manager 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 town manager is a public agency as defined by §1-18a(a), G.S.

2. On February 27, 1981 the respondent town manager sat as a hearing officer on an appeal by the complainant of certain disciplinary actions involving the complainant's employment.

3. The respondent town manager rendered his decision regarding the subject matter of the hearing referred to in paragraph 2, above, on March 20, 1981.

4. By letter of complaint filed with the Commission on March 30, 1981, the complainant alleged that no minutes of the February 27, 1981 hearing had been taken, in violation of the Freedom of Information Act.

5. The respondent town manager claims that the February 27, 1981 hearing was conducted pursuant to the terms of the complainant's collective bargaining contract and that minutes of such hearings are not required.

6. It is found that the fact that the February 27, 1981 hearing was conducted pursuant to the terms of a collective bargaining contract does not in itself exempt the respondent from compliance with the requirements of §§1-19 and 1-21, G.S., regarding the taking and filing of minutes.

7. It is found, however, that the February 27, 1981 hearing does not constitute a "meeting" subject to the requirements of the Freedom of Information Act because it was an administrative meeting of a single-member

public agency within the meaning of §1-18a(b), G.S.

8. It is therefore concluded that the respondent did not violate §§1-19 and 1-21, G.S., when it failed to take and file minutes of the February 27, 1981 hearing.

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.

Judith A Lahey

Commissioner Judith A. Lahey
as Hearing Officer

Approved by order of the Freedom of Information Commission at its special meeting of April 15, 1982.

Mary Jo Jolicoeur

Mary Jo Jolicoeur
Clerk of the Commission