

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
The Meriden Record Company,)
Complainant) Report of Hearing Officer
against) Docket #FIC 75-26
City of Meriden, World War II) January 8, 1976
Veterans Memorial Hospital,)
Malcolm E. Kafka, Administrator,)
Respondents)

The above captioned matter was heard as a contested case on December 31, 1975, 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. Under Special Act 439, the 1951 General Assembly placed ownership of the respondent hospital in the City of Meriden. By local law, the respondent City of Meriden exercises budgetary controls over the respondent hospital whose governing trustees it is empowered to appoint.
2. All of the respondents are therefore public agencies as they are the City of Meriden, a hospital owned and substantially controlled by the City of Meriden, and the administrator of such hospital who is the custodian of the subject records.
3. It is the customary practice of the board of trustees of the respondent hospital (hereinafter called board) to convene in executive session, a part of its regularly scheduled meetings, for the purpose of discussing and acting on matters that the board deems should not be publicly disclosed.

4. Minutes are kept of each such public and executive session of the board. The minutes of the public sessions have been made available to the complainant. The minutes of the executive sessions have been refused to the complainant.

5. By letter dated December 4, 1975, the complainant requested access to the minutes of the executive sessions of the board for the calendar year 1975.

6. By letter dated December 9, 1975, respondent custodian of these records denied the complainant's request.

7. By stipulation of the parties, the request for minutes of the executive sessions of the board is limited to those sessions held on or after October 1, 1975.

8. The entire record, including the minutes of the public sessions of the board meetings in question, discloses no indication that such executive sessions were called for any of the permitted purposes stated in section 1(e) of P.A. 75-342.

9. Those portions of the board meetings from which the public has been excluded are found not to be executive sessions lawfully convened within the meaning of P.A. 75-342.

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

1. The respondent hospital shall forthwith make available to the complainant for inspection or copying the minutes of the heretofore-called executive sessions of the board for all meetings of such board held on or after October 1, 1975.

2. The respondent hospital shall make such minutes available to the complainant during normal business hours and at the offices of the respondent hospital and, upon written request of the complainant, shall provide the complainant with copies of such minutes pursuant to section 5 of P. A. 75-342.

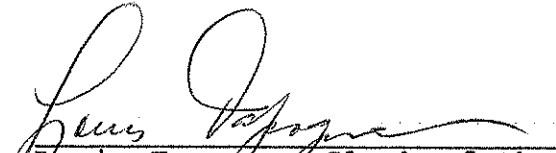
3. Henceforth, at such time as the board assembles in any meeting for any purpose whatsoever, it must comply strictly with the provisions of section 6 of P.A. 75-342 that an affirmative vote be taken at that meeting before proceeding in executive session. Two-thirds of the members present and voting must vote to convene in executive session before the board can proceed in executive session. The minutes of the meeting are required to set forth that vote as well as a statement of the reasons for proceeding in executive session. Such reasons shall be limited to a purpose stated in section 1(e) of P.A. 75-342.



Commissioner Judith A. Lahey,

as Hearing Officer

Approved by order of the Freedom of Information Commission
on January 14, 1976.



Louis Tapogna, Clerk of the
Commission