

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
David G. Smith, Complainant) Report of Hearing Officer
against) Docket #FIC76-115
Town of Orange and Board of) August 10, 1976
Police Commissioners of the Town
of Orange, Respondents)

The above captioned matter was heard as a contested case on August 3, 1976, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

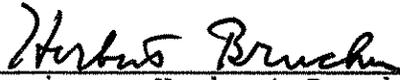
After consideration of the entire record, the following facts are found:

1. The respondents are public agencies.
2. On June 14, 1976, the respondent board held a regularly scheduled meeting during which the complainant presented a grievance under a collective bargaining agreement.
3. Prior to adjournment of the meeting, the respondent board unanimously voted to convene in executive session to discuss and vote upon, among other matters, the complainant's grievance.
4. The discussion of, and vote upon, the complainant's grievance in executive session was for a purpose not permitted under §1(e) of P.A. 75-342.
5. Although the respondent board maintains a desk and filing cabinets at the Orange Police Station, the same does not constitute a regular office or place of business, within the purview of §2(a) of P.A. 75-342, because such facilities are utilized on a part-time basis only and are not readily accessible to the public.
6. The complainant was notified orally and in writing that his grievance was denied, But the vote of each member of the respondent board was not available for public inspection within 48 hours at the office of the town clerk as required in this case by §§2(a) and 6 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:

Henceforth, the respondent board shall strictly comply

with the requirements of §§1(e) and 6 of P.A. 75-342.



Commissioner Herbert Brucker

as Hearing Officer

Approved by order of the Freedom of Information Commission
on August 25, 1976.



Louis J. Tapogna

as Clerk of the Freedom of Information
Commission