

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
The Advocate, Complainant) Report of Hearing Officer
against) Docket #FIC 76-23
City of Stamford and the Board of) March 23, 1976.
Education of the City of Stamford,)
Respondents)

The above captioned matter was heard as a contested case on March 11, 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 as they are the City of Stamford and its Board of Education.

2. At a duly convened meeting of the respondent board of education on February 10, 1976, the board voted to hold an executive session to discuss certain personnel matters. It is found that the convening of such executive session was in compliance with sections 1(e) and 6 of P.A. 75-342.

3. The complainant contends that two additional matters were discussed at the executive session in question, specifically school discipline, including the use of student identification cards, and the grouping or "tracking" of students. The respondents conceded that such matters were discussed, but only in the context of the personnel matters pursuant to which the executive session was called.

4. The complainant newspaper's reporter Thomas Sweeney testified that he was informed by a source, whom he refused to name on grounds of his pledge of confidentiality, that the additional matters were discussed outside the scope of a personnel issue. While he cannot be compelled to furnish the name of his informant, it is found that this portion of his testimony must be rejected on grounds that it is hearsay to which no weight may be validly attributed.

5. Mr. Sweeney later admitted on cross examination that the subject discussion could have occurred within the context of a discussion of personnel matters.

6. On the basis of the evidence, it must be concluded that the complainant did not sustain its burden of proving that the executive session discussed or acted upon matters beyond the contemplation of Public Act 75-342.

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 on the ground that the complainant failed to prove that matters outside the scope permitted by P.A. 75-342 were discussed at the respondents' executive session of February 10, 1976.

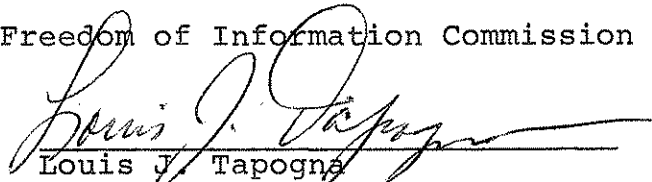
2. Dismissal of this complaint does not constitute approval of the discussion in executive session of any matter that the complainant failed to prove.



Commissioner Helen Loy

as Hearing Officer

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



Louis J. Tapogna
Clerk of the Commission