

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Joseph T. Doran, Complainant) Report of Hearing Officer
against) Docket #FIC 76-52
Southeastern Connecticut Emergency) April 22, 1976
Medical Services Council, Inc. and)
Carl V. Daniels, Respondents)

The above captioned matter was heard as a contested case on April 21, 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. By letter dated March 30, 1976, the complainant alleged that the respondents violated P.A. 75-342 in that members of the respondent council met in a session from which the public was excluded prior to the convening of such council's meeting on March 23, 1976.

2. It is found that on the date in question the entire executive board of the respondent council met in a session from which the public was excluded. Business before the respondent council was discussed at such closed session. The executive committee did not comply with any of the requirements of P.A. 75-342 concerning the convening of, and recordation of votes at, executive session.

3. The threshold question is whether or not the respondent council is a public agency as defined by P.A. 75-342. This is a question of first impression and one which is not easily answered.

4. The respondent council is a non-profit corporation created and existing under the laws of Connecticut. It was formed pursuant to secs. 19-17ee and 19-17ff, Gen. Stats., and the Rules and Regulations of the Connecticut State Department of Health in order to provide advice and guidance on policy to the Office of Emergency Medical Services of the State Department of Health (hereinafter, OEMS).

5. The State Department of Health and its OEMS are public agencies under P.A. 75-342.

6. The executive committee is the governing body of the respondent council and makes all decisions on behalf of the council. The executive board serves without compensation but the staff of the respondent council is paid by funds provided by OEMS.

7. All requests for waivers of OEMS regulations by groups within the geographic jurisdiction of the respondent council must be submitted to such council prior to consideration by the OEMS. The advice and guidance of the respondent council concerning such waiver requests are then transmitted to the OEMS which, in turn, renders its decision thereupon.

8. By regulation of the OEMS, the structure and the by-laws of the respondent council must be approved by the State Commissioner of Health.

9. The respondent council is so fundamentally associated with and governed by the State Department of Health and its OEMS, that it is concluded that such council is a public agency within the meaning of sec. 1(a) of P.A. 75-342.

10. Since the respondent council is a public agency, it is found that the action of the executive committee described in paragraph 2, above, was in violation of secs. 1(e) and 6 of P.A. 75-342.

11. All decisions made by the respondents at the closed session of March 23, 1976 were later ratified at the public meeting of the respondent council held on the same date.

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

1. Henceforth the respondents shall in all respects comply with P.A. 75-342.


2. Nothing herein shall be construed as indicating any willful violation of P.A. 75-342. The respondents in all respects heretofore acted in good faith in the belief that the respondent council was not a public agency.



Commissioner Herbert Brucker

as Hearing Officer

Approved by order of the Freedom of Information Commission on April 28, 1976.



Louis Tapogna
Clerk of the Commission