

6. It is therefore concluded that the complainant, Richard B. Robinson, when he was specifically requested by the respondent board of appeals to leave the room prior to the aforesaid deliberations, was wrongfully denied his right to attend the meeting concerning the same.

7. In its sound discretion this Commission may declare null and void any or all actions taken at any meeting to which the complainant was denied access under §1-21i(b), G.S.

8. The complainant, Mr. Richard B. Robinson, was one of approximately fifty people who appeared at a public hearing held on December 9, 1976 before the respondent board, at which time they stated their objections to the granting of a certain application for variance known as Castle Rock, which variance was discussed at the aforesaid executive session.

9. At the same executive session and at the conclusion of the aforesaid discussion, the Castle Rock application for variance was granted unanimously.

10. The complainant, Mr. Richard B. Robinson, lives adjacent to the property in question.

11. A member of the press was allowed to remain in attendance in the aforesaid executive session, although the complainant, Richard B. Robinson, was specifically excluded therefrom.

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

1. All votes of the respondent board of appeals at its January 11, 1977 meeting concerning the Castle Rock application for variance are hereby declared null and void.

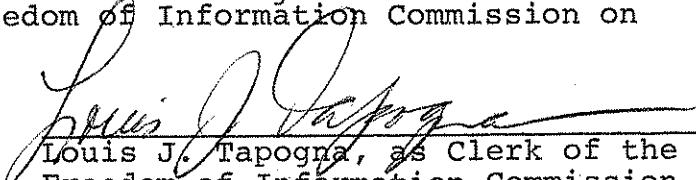
2. Henceforth, the respondent board of appeals shall meet in executive session only for those purposes stated in §1-18a (e), G.S.

3. Although it was not raised in the complaint herein, it appears that a person who was not a member of the respondent board of appeals was allowed to remain in attendance at the aforesaid executive session. This Commission further advises that when the respondent board of appeals meets in executive session for a proper purpose within the meaning of §1-18a(e), G.S., attendance in executive session must be limited in accordance with the requirements of §1-21g, G.S.



Commissioner Helen Loy

Approved by order of the Freedom of Information Commission on
March 9, 1977.

as Hearing Officer


Louis J. Tapogna, as Clerk of the
Freedom of Information Commission