

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Larry Williams, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-98
)	
State of Connecticut; and Commissioner of the Commission on Special Revenue,)	June 8, 1977
Respondents)	

The above captioned matter was heard as a contested case on June 3, 1977, 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 defined in §1-18a(a), G.S.
2. At some point in the course of a meeting held on May 11, 1977, the respondent commission went into executive session for the purpose of discussing "security" matters.
3. On May 13, 1977, the complainant filed the present complaint with this Commission alleging that some of the discussions and actions occurring in the aforesaid executive session did not fall within the purview of a "security" matter.
4. At the hearing herein, the complainant contended that he was wrongfully denied the right to attend the executive session portion of the May 11, 1977 meeting of the respondent commission.
5. The respondent commission contended that its executive session discussion related to the security of the tickets under its "Instant Match IV" game and that such discussion was a proper purpose for holding an executive session under §1-18a(e)(3), G.S.
6. The respondent commission further contended that its May 11, 1977 discussion in executive session was a proper purpose for holding an executive session under §1-18a(e)(5), G.S. in that it would have resulted in the disclosure of trade secrets as defined in §1-19(b)(4), G.S.
7. At the executive session here in issue, the respondent commission discussed whether or not to postpone or cancel its contract with Glendinning Companies, Inc. concerning the "Instant Match IV" game.

8. It was decided in the same executive session that the "Instant Match IV" game was to be postponed to early July. Certain conditions of postponement relating to the performance of Glendinning Companies, Inc. were also outlined therein.

9. The aforesaid discussion also included matters relating to the incidence of perforations and scratches appearing on game tickets and the incidence of a wrong number of tickets produced per ticket book which books are a part of the general distribution of the game.

10. The executive director of the respondent commission stated that if the discussion was limited solely to those items referred to in paragraphs 7, 8 and 9 above, the security of the game would not have been breached.

11. It is found that there were many matters discussed in the aforesaid executive session which would not result in the disclosure of trade secrets as defined in §1-19(b)(4), G.S. and which do not fall within the meaning of security strategy under §1-18a(e)(3), G.S.

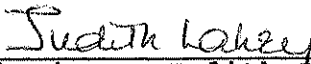
12. It is concluded that such discussions in executive session were not permitted under §1-18a(e), G.S.

13. It is further concluded that the complainant was wrongfully denied his right to attend such discussions as required by §1-21, G.S.

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

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


2. The respondent commission is advised that it can not exclude the public from its discussions on the contingency that something may arise in the course of a discussion that falls within the meaning of the purposes defined under §1-18a(e), G.S. Only when such matters actually do arise may an agency properly hold an executive session. Concomitantly, once the discussion, in an executive session called for a proper purpose, leaves the pale of that purpose, §1-21, G.S. requires that the executive session be adjourned and the meeting be once again opened to the public.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on
June 22, 1977.



Mitchell W. Pearlman as Acting
Clerk of the Commission