

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
David M. Wessel,

Complainant

Report of Hearing Officer

against

Docket #FIC78-243

City and Town of Bridgeport;  
and Police Commissioner of the  
City and Town of Bridgeport,  
Respondents

March 14, 1979

The above captioned matter was heard as a contested case on February 20, 1979 at which time the complainant and respondents appeared, stipulated to certain facts, and presented argument on the complaint.

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

1. The respondents are public agencies as defined by §1-18a(a), G.S.

2. By letter filed by the complainant, a reporter for The Hartford Courant, on December 5, 1978, the complainant alleged that at a meeting of the respondent commission held on November 30, 1978, the respondent commission held an illegal executive session to discuss a certain public officer or employee. It was further alleged that the attorney for such public officer or employee had objected to the discussion being held in executive session.

3. The respondent commission held an open hearing on November 30, 1978 concerning a certain incident involving an individual to whom the respondent commission had granted special police powers.

4. Thereafter, at this same meeting of November 30, 1978, the respondent commission voted to go into executive session to determine whether such individual's special police powers should be taken away.

5. An attorney who was representing the individual in question had, prior to the aforesaid vote of the respondent commission, objected to the holding of such discussion in executive session.

6. The individual in question is a public officer or employee for purposes of §1-18a(e)(1), G.S.

7. The respondent commission nevertheless held its intended discussion in executive session and thereafter resumed its open meeting and announced that they had decided to revoke the special police powers of the individual in question.

8. It is found that the aforesaid decision and vote in executive session was not held for a proper purpose under §1-18a(e)(1), G.S. The individual in question had the right to require that such discussion be held at an open meeting.

9. The complainant, who was present throughout the meeting of November 30, 1978, is further found to have been denied his right to attend those portions thereof held in executive session, in violation of §1-21, G.S. which requires that all meetings be open to the public except for executive sessions held for proper purposes.

10. At a later meeting of the respondent commission held on December 29, 1978, the respondent commission voluntarily rescinded its prior action, and granted the individual in question another open hearing.

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 may close its meeting to the public only upon a two-thirds vote, taken at a public meeting, and only for those purposes as strictly defined under §1-18a(e), G.S.

  
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Commissioner Donald Friedman

as Hearing Officer

As approved by Order of the Freedom of Information Commission on March 28, 1979.

  
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Leslie Ann McGuire  
Acting Clerk of the Commission