

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Howard P. Kilpatrick,
Complainant

Report of Hearing Officer

against

Docket #FIC79-226

Town of Farmington; and Board of
Education of the Town of Farminton,
Respondents

May 9, 1980


The above captioned matter was scheduled for hearing on April 2, 1980 with #FIC79-230, Diane Levick and The Hartford Courant v. Town of Farmington; and Board of Education of the Town of Farmington, because both complaints dealt with similar subject matter and the same respondents. All parties appeared at the hearing, at which time they presented evidence, exhibits and argument on the complaint.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.
2. By letter dated November 20, 1979, the complainant alleged that the respondent board of education violated the Freedom of Information Act by holding an executive session for a purpose not permitted by the Act.
3. At its meeting of November 19, 1980, the respondent board of education held an executive session to discuss the request of the Farmington Housing Committee to use 8 acres of school-owned land for the building of housing for the elderly.
4. The reason given by the respondent board for the executive session was that the discussion could affect land values.
5. §1-18a(e)(4) permits public agency use of executive session for the purpose of "discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned...."
6. It is found that the executive session was not held for a proper purpose within the meaning of §1-18a(e)(4), G.S.

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

1. The respondent board shall henceforth limit its executive sessions to purposes permitted under §1-18a(e), G.S.



Commissioner Judith Lahey
as Hearing Officer

Approved by order of the Freedom of Information Commission on July 9,
1980.



Leslie Ann McGuire
Clerk of the Commission