

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Mark McGrath, and the Hartford
Courant,
Complainant

Report of Hearing Officer

Docket #FIC80-11

against

January ²²/₂₀, 1981

The City and Town of Willimantic;
and the Community Development Agency
of the City and Town of Willimantic,

Respondents

The above-captioned matter was scheduled for hearing June 2, 1980 at which time the parties appeared and presented evidence and argument on the complaint. Because of the similarity of the issues and parties, this case was consolidated with #FIC80-7, Mark Svetz and the Willimantic Chronicle v. the City of Willimantic and the Community Development Agency of the City of Willimantic.

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. On January 3 at 4 p.m. the respondent agency met with their executive director, the mayor, the agency attorney and two representatives from HUD.
3. During the meeting the respondent agency went into executive session for the stated purpose of discussing "the performance of public officials."
4. By letter filed with the Commission January 17, 1980, the complainant alleged that the aforesaid executive session had been improper in that it had involved a discussion of a broad range of issues and not merely the discussion of the performance of specific public officials.
5. The respondents alleged that the executive session was proper because it concerned the performance of specific individuals on the agency.
6. The discussion during the executive session concerned the performance of specific individuals as their performance related to a HUD finding of conflict of interest with respect to a grant of a low interest rehabilitation loan to the chairman of the agency.

7. The discussion during the executive session also concerned broader discussion of the relationship of the respondent agency and HUD, whether agency members could have liability in the future for improper loans and whether HUD should apologize for certain mistakes in a letter which it had sent to the respondent agency.

8. §1-18a(e)(1) permits a public agency to hold an executive session to discuss "the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting."

9. It is found that the executive session was a proper one insofar as it entailed the discussion of the performance of specific individuals, but that it was improper when the discussion expanded to the broader issues listed above at paragraph seven.

10. It is concluded therefore that the respondent agency violated §1-18a(e)(1) G.S. when its executive session went beyond the discussion of the performance of specific individuals.

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

1. The respondents shall henceforth comply with the requirements of §1-18a(e)(1), G.S.

Judith A. Lahey

Commissioner Judith Lahey
as Hearing Officer

Approved by Order of the Freedom of Information Commission
at its regular meeting of March 11, 1981.

Wendy Rae Briggs
Wendy Rae Briggs
Clerk of the Commission