

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Lisa Bull (Jackson
Newspapers, Inc.)

FINAL DECISION

Complainant

Docket #FIC83-42

against

December 19, 1983

City and Town of New Haven
Board of Fire Commissioners,

Respondents

The above captioned matter was heard as a contested case on September 20, 1983 at which time the complainant and the respondent appeared, and presented testimony, exhibits and argument on the complaint.

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.

2. On March 8, 1983 the respondent held a regular meeting during which it convened in executive session "to discuss personnel matters."

3. By letter of complaint filed with the Commission on March 15, 1983 the complainant alleged that at the March 8, 1983 meeting the respondent had failed to vote in public session on the appointment of firefighters, and that the respondent had refused to make available the names of those appointed until 48 hours after the executive session. An additional issue raised in the complaint was withdrawn at hearing.

4. On March 8, 1983 the respondent, while convened in executive session, selected 50 firefighters from a list of 215 applicants.

5. The respondent claims that the vote was taken in executive session to shield from current employers the names of persons being considered, pending notification of the persons themselves.

6. The respondent also claims that the term "discussion" as used in §1-18a(e)(1), G.S. does not exclude the taking of votes.

7. It is found, however, that the language of §1-18a(e)(1), G.S. by limiting treatment of personnel matters in executive session to "discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee," (emphasis added), precludes the taking of votes.

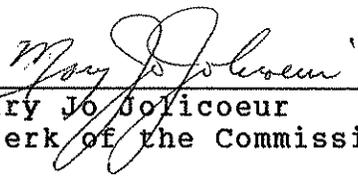
8. It is concluded that the respondent violated §1-18a(e)(1), G.S. when on March 8, 1983, it voted in executive session regarding the appointment of firefighters.

9. No request for the nullification of the respondent's votes was made by the complainant, nor does the Commission deem a null and void order an appropriate remedy under the circumstances.

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

1. Henceforth the respondent shall act in strict compliance with the requirements of §1-18a(e)(1), G.S. regarding the limitation of activity in executive session to discussion only.

Approved by order of the Freedom of Information Commission at its special meeting of December 8, 1983.



Mary Jo Jolicoeur
Clerk of the Commission