

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
James P. O'Hara,

FINAL DECISION

Complainant

Docket #FIC83-176

against

December 19, 1983

Bethel Police Commission,

Respondent

The above captioned matter was heard as a contested case on October 3, 1983 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

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

2. On June 2, 1983 the respondent held a meeting during which it discussed the conduct of and took disciplinary action against the complainant and others. The disciplinary action taken at such meeting was later rescinded by the respondent.

3. On July 27, 1983 the respondent held a disciplinary hearing regarding the complainant and others, at the conclusion of which it announced that it would reconvene on August 8, 1983.

4. On August 8, 1983 the respondent held another hearing during which written findings were read by the chairman of the respondent and voted upon by the respondent.

5. By letter of complaint filed with the Commission on August 18, 1983 the complainant alleged that no posted meeting of the respondent had been held between July 27, 1983 and August 8, 1983 and that, therefore, the findings read on August 8, 1983 must have been drafted at "an illegal unposted executive session," without prior notification to the complainant.

6. At all times pertinent to the complaint the respondent consisted of three members: George O'Keefe, Chairman, John L. Cleary and Donald Kovacs.

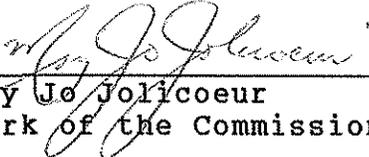
7. Between July 27, 1983 and August 8, 1983 Chairman O'Keefe, assisted by town counsel, prepared for presentation to the respondent a document which essentially reflected the respondent's findings and conclusions at its June 2, 1983 meeting. Chairman O'Keefe did not meet with either of the other members of the respondent in the course of preparing such document between June 27, 1983 and August 8, 1983.

8. It is concluded that between July 27, 1983 and August 8, 1983 no meeting of the respondent was held to discuss or formulate the findings presented to the respondent on August 8, 1983.

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

1. The complaint is hereby dismissed.

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



Mary Jo Jolicoeur
Clerk of the Commission