

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Jonathan Einhorn,

FINAL DECISION

Complainant

Docket #FIC83-180

against

Board of Finance of the City  
of New Haven

March 14, 1984

Respondent

The above captioned matter was heard as a contested case on October 31, 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. By letter of complaint filed with the Commission on August 22, 1983, the complainant alleged that the respondent had, on three or more occasions, allowed individuals who were not members of the agency to attend its executive session, in violation of §1-21g, G.S.
3. At hearing, the respondent moved to dismiss the allegations of the complaint dealing with meetings held more than 30 days prior to the filing of the complaint, which motion was granted.
4. The respondent also moved to dismiss the complaint on the ground that the Commission failed to send notice of the complaint to the respondent immediately upon receipt of the complaint, which motion is hereby denied.
5. It is found that on July 28, 1983 the respondent convened in executive session to discuss litigation regarding the East Shore Treatment Plant.
6. Also attending such executive session in its entirety were five representative of the controllers office, two attorneys from the corporation counsel's office and other representatives of the city of New Haven.

7. The respondent claims that the presence of all such non-agency personnel was necessary due to the large sums of money involved and the complexity of the issues being presented to the respondent, each person in attendance possessing a specific area of expertise.

8. It is found, however, that the respondent failed to prove that all persons attending the July 28, 1983 executive session, other than members of the agency, attended only for the period for which their presence was necessary to present testimony or opinion to the members of the respondent.

9. It is found that the respondent violated §1-21g, G.S. to the extent that persons attending its July 28, 1983 executive session were allowed to remain in attendance for longer than was necessary for the presentation of testimony or opinion.

10. Other allegations raised by the complainant at hearing but not noted in his letter of complaint will not be considered by the Commission at this time.

11. The Commission hereby declines the complainant's request for the imposition of a fine.

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

1. Henceforth the respondent shall act in strict compliance with the requirements of §1-21g, G.S. regarding the conduct of its executive sessions.

Approved by order of the Freedom of Information Commission at its regular meeting of March 14, 1984.

  
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Mary Jo Jolicœur  
Clerk of the Commission