

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Danny Chun (WILI),

FINAL DECISION

Complainant(s)

Docket #FIC83-203

vs.

March 28, 1984

Board of Selectmen of the
Town of Windham,

Respondent(s)

The above entitled matter was scheduled for hearing November 1, 1983 at which time the parties appeared and presented evidence and argument on the complaint. The matter was consolidated for hearing with #FIC83-202 because it involved the same subject matter.

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 complaint dated October 3, 1983 the complainant alleged that the respondent held an illegal executive session on September 20, 1983.
3. At the September 20, 1983 meeting by unanimous vote the selectmen voted to go into executive session to give the First Selectman direction on which kind of pact to negotiate, should a customer come along who was interested in buying steam.
4. The respondent claimed its executive session was proper under §1-19(b)(1), §1-19(b)(7) and §1-18a(e)(5), G.S.
5. §1-18a(e)(5), G.S. permits a public agency to hold an executive session where discussion of any matter which would result in the disclosure of public records or information contained therein described in subsection (b) of section 1-19, G.S.
6. The respondent failed to prove that information contained in public records was discussed at the executive session.

7. It is therefore found that the respondent cannot invoke the exemption for executive session at §1-18a(e)(5), G.S.

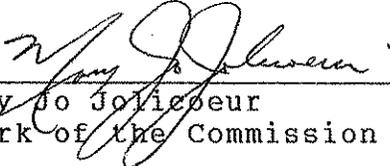
8. It is found that it is unnecessary under these facts to consider whether the exemptions for records which are stated at §1-19(b)(1) and §1-19(b)(7), G.S. apply.

9. It is concluded that the respondent violated the open meeting requirements of §1-21, G.S. when it went into executive session on September 20, 1983.

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

1. The respondent shall henceforth comply with the requirements of §1-21, G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of March 28, 1984.



Mary Jo Joliebeur
Clerk of the Commission