

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Karen Delaney,

FINAL DECISION

Complainant

Docket #FIC83-220

against

April 25, 1984

Torrington City Council
of the City and Town of
Torrington

Respondent

The above captioned matter was heard as a contested case on January 30, 1984 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. The respondent held a special meeting on October 11, 1983 during which it convened in executive session. Upon reconvening in public session the respondent voted to empower the mayor and the corporation counsel to participate in a condemnation proceeding regarding the Custom Plating and Buffing Company building.
3. By letter of complaint filed with the Commission on November 7, 1983 the complainant alleged that the respondent failed to state a reason for convening in executive session on October 11, 1983, a violation of §1-21, G.S.
4. At hearing, the respondent moved to dismiss the complaint on the ground that the complainant did not appear personally but through a representative and that she thereby failed to meet her burden of proof.
5. The complainant having authorized a representative to appear in her behalf and present her allegations to the Commission pursuant to §1-21j-29 of the Regulations of Connecticut State Agencies, the respondent's motion is hereby denied.
6. It is found that the respondent is a party to litigation involving Custom Plating and Buffing Company.

7. The respondent claims that the mayor, who is also the chairman of the respondent, called for the executive session just prior to reaching an agenda item regarding Custom Plating and Buffing Company, and assumed that those in attendance would know what the executive session was about.

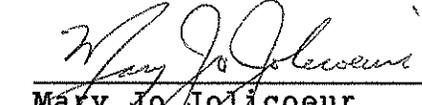
8. According to the respondent, the executive session was convened pursuant to §§1-18a(e)(2) and 1-18a(e)(3).

9. It is found, however, that the respondent failed to state the reason or reasons for the November 30, 1983 executive session, in violation of §1-21, G.S.

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, prior to convening in executive session, state the reason or reasons therefore, pursuant to §1-21, G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of April 25, 1984.



Mary Jo Jolicoeur
Clerk of the Commission