

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Hans-Gunther Reichardt,

FINAL DECISION

Complainant

Docket #FIC83-234

against

April 25, 1984

Regional School District
Number 16,

Respondent

The above captioned matter was heard as a contested case on January 27, 1984 in conjunction with Docket #FIC83-235 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 regular meeting on November 30, 1983 during which it convened in executive session to conduct "re-negotiation discussions" regarding a school bus contract.
3. Following the November 30, 1983 executive session the respondent reconvened in public session and defeated a motion to have the transportation committee prepare specifications for open bidding on the bus contract. The respondent then passed a motion to "re-negotiate present bus contract and accomplish same prior to December 14th."
4. By letter of complaint filed with the Commission on December 7, 1983 the complainant alleged that the November 30, 1983 executive session was not held for a proper purpose within the meaning of §1-18a(e), G.S.
5. It is found that the respondent has, since 1975, engaged the services of Dufour Brothers for its school busing needs.
6. On November 9, 1983 the respondent voted to have its transportation committee prepare specifications for open bidding on the school bus contract instead of automatically renewing its contract with Dufour Brothers.

7. While collecting bid specifications subsequent to the November 9, 1983 meeting the superintendent of schools was told by John Dufour that if the bus contract had not been put out to bid, Dufour would have offered to extend the existing contract for two years without an increase in price.

8. Dufour indicated that if the contract were to put out to bid he could not necessarily extend the same offer, and asked that his offer not be made public for fear that he would be underbid by competitors.

9. The superintendent relayed the offer to the chairman and vice chairman of the respondent following his meeting with Dufour, and in executive session on November 30, 1983 relayed the offer to the rest of the respondent.

10. The respondent claims that the executive session was held pursuant to §1-18a(e)(5), G.S. to discuss commercial or financial information given in confidence and exempted from disclosure by §1-19(b)(5), G.S.

11. It is found that the Dufour bid was offered without the solicitation of a promise of confidentiality. Although Dufour subsequently extracted the superintendent's promise not to release the bid, it is found that the bid was not information given in confidence within the meaning of §1-19(b)(5), G.S.

12. It is further found that an executive session may be held pursuant to §1-18a(e)(5), G.S. for the discussion of any matter which would result in the disclosure of public records or the information contained therein described in §1-19(b), G.S.

13. It is found that the November 30, 1983 executive session was not held to discuss any public record or any information contained in any public record within the meaning of §1-18a(d), G.S.

14. It is concluded that the November 30, 1983 executive session was not held for a proper purpose within the meaning of §1-18a(e)(5), G.S.

15. It is further concluded that the respondent violated §1-21, G.S. when it convened in executive session on November 30, 1983 to allow the superintendent to reveal a bus contract bid to the respondent.

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

1. The Commission hereby declares null and void the actions of the respondent on November 30, 1983 relating to school bus services.

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



Mary Jo Jolicoeur
Clerk of the Commission