

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
John Filush,

FINAL DECISION

Complainant

Docket #FIC84-259

against

July 22, 1985

Weston Board of Police Commissioners
of the Town of Weston,

Respondent

The above captioned matter was heard as a contested case on May 3, 1985 in conjunction with FIC 84-258, John Filush v. Weston Board of Police Commissioners, 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 December 11, 1984 the respondent held a special meeting during which it convened in executive session to discuss "personnel policy."
3. By letter of complaint filed with the Commission on December 24, 1984 the complainant alleged that the December 11, 1984 meeting of the respondent was held without notice or agenda and that the respondent did not make minutes of the meeting available for public inspection.
4. The respondent believes that a notice of and agenda for the December 11, 1984 meeting were posted on the town clerk's December calendar, but the calendar is missing and therefore the respondent at hearing could offer no proof of a notice or agenda.
5. Based upon the complainant's testimony that he had checked the records of the town clerk and found no notice or agenda, the Commission must conclude that neither was properly filed or posted as required by §1-21(a), G.S.
6. At some time prior to November 25, 1984 allegations of misconduct by members of the Weston police department appeared in a local paper.
7. The December 11, 1984 executive session was conducted to allow interested members of the public, including certain individuals specifically invited, to offer testimony to the respondent on the issue of allegations of police misconduct. Persons were admitted to the session on an individual basis.

8. It is found that although minutes of the December 11, 1984 meeting were prepared, such minutes did not reflect the names of persons attending the executive session as required by §1-21g, G.S.

9. The complainant provided no evidence of a request for minutes and the Commission will therefore treat any claim regarding the timeliness of minutes as abandoned.

10. Although not raised in the complaint the Commission notes that while convened in executive session the respondent apparently discussed the performance of individual police officers without providing such officers the opportunity to require that all such discussions be conducted in public session, in violation of §1-18a(e)(1), G.S.

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(a), G.S. regarding the posting of notices of special meetings.

2. The respondent shall henceforth comply with the requirements of §1-21g, G.S. regarding the inclusion in minutes of the names of persons attending executive sessions.

Approved by order of the Freedom of Information Commission at its regular meeting of July 22, 1985.



Mary Jo Jolicoeur
Clerk of the Commission