

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Henry E. Buermeyer,

FINAL DECISION

Complainant

against

Docket #FIC 85-260

Town Manager and Town Council  
of Groton,

Respondents

July 23, 1986

The above captioned matter was heard as a contested case on May 2, 1986, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record the following facts are found:

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. By letter of complaint filed with the Commission on December 20, 1985 the complainant alleged that the respondents held an illegal meeting on December 2, 1985.

3. Also in the complainant's letter of appeal was a request that the Commission "give close scrutiny to the advisability of combining several completely unrelated issues into one executive session."

4. The complainant requested the imposition of a civil penalty against the respondent.

5. At the hearing before the Commission, the respondents made a motion to dismiss the complaint pursuant to §1-21i(b), G.S., claiming the complaint was not heard within the statutory time period.

6. This case has been validated pursuant to P.A. 86-408 so that the failure of the Commission to comply with the time periods set forth at §1-21i(b), G.S., does not deprive the Commission of jurisdiction.

7. Also at the hearing, the complainant amended his complaint to include only the following alleged violations:

- a. The respondents' agenda for the December 2, 1985 meeting only indicated one executive session although the respondents, in fact, convened in executive session on three occasions.
- b. The respondent council improperly convened in executive session to discuss the pending personnel litigation case concerning Lt. Weeman, which had been settled out of court on November 29, 1985.

8. With respect to paragraph 7a, above, it is concluded that convening in executive session more times than are stated in an agenda violates no provision of the Freedom of Information Act provided it is for a permissible purpose within the meaning of §1-18a(e), G.S.

9. With respect to paragraph 7b, above, it is found that the respondents convened in executive session on December 2, 1985 to discuss the terms of the settlement that had been reached on November 29, 1985 regarding Lt. Weeman and to permit the respondent council to vote on the terms of the agreement.

10. It is therefore concluded that the respondents convened in executive session at their December 2, 1985 meeting for a permissible purpose within the meaning of §1-18a(e)(2), G.S.

11. With respect to paragraph 3, above, it is found that the complainant's request is, in effect, a request for an advisory opinion, the issuance of which cannot be determined at a contested hearing.

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

1. The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its regular meeting of July 23, 1986.

  
Karen J. Haggett  
Clerk of the Commission