

Freedom of Information Commission  
of the State of Connecticut

In the Matter of a Complaint by )  
Don O. Noel, Jr., Complainant ) Report of Hearing Officer  
against ) Docket #FIC75-23  
The Joint Committee on ) December 23, 1975  
Legislative Management, )  
Respondent

The above-captioned matter was heard as a contested case on December 9, 1975, at which the complainant and respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the evidence the following facts are found:

1. The respondent, the Joint Committee on Legislative Management of the Connecticut General Assembly of 1975, is a public agency.
2. At a meeting on November 5, 1975, the respondent voted to go into executive session to consider a personnel matter under Sections 1(e)(1) and 6 of Public Act 75-342. A vote on a personnel matter was taken by respondent during the executive session.
3. More than forty-eight hours after this meeting, complainant asked to inspect a writing detailing the votes of each member of respondent upon any issue voted upon during the November 5th executive session. This request was oral, but P.A. 75-342 does not require that a request to inspect a public record be in writing.
4. Respondent failed to make available for public inspection within forty-eight hours a writing setting forth the vote of each member upon any issue before the respondent during the November 5th executive session. The respondent also failed to record such votes in the minutes of the session.
5. On November 20, 1975, complainant brought a complaint within the jurisdiction of the Freedom of Information Commission alleging an improper denial of information concerning votes in executive session by respondent at its November 5th meeting.
6. Section 1(e)(1) of the Act requires that only "discussion" of personnel matters at an executive session be kept secret. It does not require that the acts of the public agency concerning the matters discussed be kept secret.

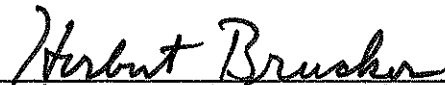
7. Section 11 of the Act deals exclusively with the persons permitted to attend executive sessions. It says nothing about keeping votes secret. Section 11 does not overrule the requirements for minutes, nor does it limit the requirements of Section 6 in any way.

8. Section 6 does not exempt executive sessions from its requirement that a writing setting forth the "votes of each member of any such public agency upon any issue" (emphasis added) shall be made available for public inspection within forty-eight hours of a meeting, and that these votes "shall also be recorded in the minutes of the session" and thus available for public inspection.

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

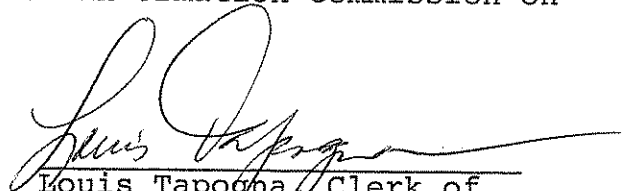
1. Respondent is ordered to make available in writing for public inspection the text of each specific motion or resolution voted upon during its November 5th executive session, together with the votes of each member upon each such motion or resolution.

2. Respondent is ordered to add to the minutes of this public agency for the meeting of November 5, 1975 the text of each specific motion or resolution voted upon during the executive session, together with the votes of each member upon each such motion or resolution.



Commissioner Herbert Brucker  
as Hearing Officer

Approved by order of the Freedom of Information Commission on  
January 14, 1976.



Louis Tapogna, Clerk of  
the Commission