

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Demetrios Louziotis,)	Report of Hearing Officer
Complainant)	Docket #FIC76-159
against)	November 10, 1976
City and Town of New London)	
and Board of Selectmen of the)	
City and Town of New London,)	
Respondents)	

The above captioned matter was heard as a contested case on October 5, 1976, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented 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(a) of P.A. 75-342.

2. The respondent board is a three member public agency known as the Board of Selectmen.

3. On September 2, 1976, two members of the respondent board met. The purpose of this gathering was to appoint a third member to fill a vacancy.

4. The two members designated and appointed an individual to fill the vacancy.

5. By letter of complaint filed with this Commission on September 17, 1976, the complainant alleged that this meeting was held in violation of P.A. 75-342.

6. The respondent board did not abide by the provisions of P.A. 75-342 regarding notice, minutes, and record of votes although a quorum of the respondent board was present.

7. The respondent board contended that the gathering of September 2, 1976 was not a "meeting" as defined in §1(b) of P.A. 75-342, in that both members of the respondent board were of the same political party. Therefore, their assembly on the day in question constituted a political caucus of the majority political party within the respondent board.

8. It is found that the proceedings on September 2, 1976 constituted a meeting of a public agency to which the provisions of P.A. 75-342 apply.

9. This Commission realizes that it is possible under the Act for the two members to meet and discuss the business of the Board of Selectmen and for such meeting and discussion to be a political caucus. However, the resulting action can be only adoption of a political position by the majority political party within the respondent board. Where the resulting action is clearly the final decision of the respondent board, acting in its official capacity, it is a meeting of a public agency with the definition of P.A. 75-342.

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

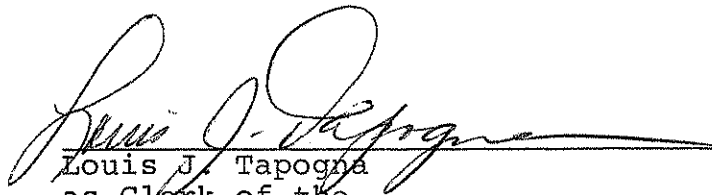
1. All actions taken at the meeting of the respondent board on September 2, 1976 are hereby declared null and void.

2. Henceforth, the respondent board shall strictly comply with the provisions of P.A. 75-342 concerning the notice and conduct of its meeting.


Commissioner Herbert Brucker

as Hearing Officer

Approved by order of the Freedom of Information Commission
on November 24, 1976.


Louis J. Tapogna
as Clerk of the
Freedom of Information Commission