

Freedom of Information Commission  
of the State of Connecticut

In the Matter of a Complaint by )  
Janice Caputo, Complainant ) Report of Hearing Officer  
against ) Docket #FIC 76-51  
Town of Guilford, Board of ) April 27, 1976  
Education of the Town of  
Guilford, Respondents )

The above-captioned matter was heard as a contested case on April 12, 1976, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. By letter dated March 26, 1976, the complaint alleged violations of P.A. 75-342 by the respondent board in regard to such board's meetings of January 28, 1976 and February 25, 1976.

2. Specifically, the complainant alleged that the question of her employment contract was discussed at the executive session of the respondent board on January 28, 1976 without such board affording her personal notice so that she could exercise her option under sec. 1(e)(1) of P.A. 75-342 of requiring public discussion. The complainant also alleged that the respondent board violated sec. 6 of P.A. 75-342 in that it failed to specify the discussion of her contract as a reason for convening the executive session on January 28, 1976.

3. The complainant further contends that P.A. 75-342 requires personal notice of the February 25, 1976 meeting since at such meeting the vote upon her employment contract was conducted.

4. It was stipulated that the notice of both meetings in question was on file with the Guilford Town Clerk.

5. The executive session of January 28, 1976 was properly called for purposes other than a discussion of the complainant's employment contract. At such executive session, however, the question was raised by a member of the respondent board as to whether any teacher did not receive a tenure recommendation. In response to this question, the superintendent of schools, who was present at such executive session, mentioned that a recommendation concerning the complainant's tenure had not been made and that such recommendation would be made at the February 25, 1976 meeting. There was no discussion or vote upon the complainant's employment contract at the executive session in issue.

6. No executive session was held at the respondent board's meeting on February 25, 1976. At the public meeting on such date, there was a discussion and vote upon the complainant's employment contract.

7. In view of the above, it is concluded that the reference to the complainant at the executive session on January 28, 1976, was a technical violation of secs. 1(e) and 6 of P.A. 75-342 in that a discussion of the complainant's employment contract was not publicly stated and voted upon as a reason for convening in such executive session.

8. It is further concluded that the reference to the complainant at the executive session in question was casual, inadvertent and not at all related to any discussion or vote at such executive session.


9. Under these circumstances, it is concluded that the respondent board had no obligation under P.A. 75-342 to give personal notice to the complainant of its executive session of January 28, 1976 other than by filing its schedule of meetings with the Guilford Town Clerk.

10. Since the February 25, 1976 meeting of the respondent board was open to the public, it is likewise found that the respondent board had no obligation under P.A. 75-342 to give personal notice to the complainant of such meeting other than by filing its schedule of meetings with the Guilford Town Clerk.

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

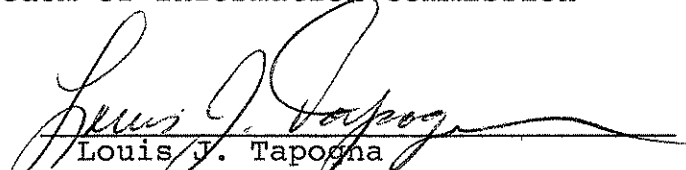
1. Henceforth, at each future executive session, the respondent board shall refrain from discussing, or otherwise inquiring into or making reference to, any business not publicly stated and voted upon as a reason for convening such executive session pursuant to secs. 1(e) and 6 of P.A. 75-342.

2. This report is limited to the facts herein and shall not be construed as interpreting any personal notice requirements in sec. 1(e)(1) of P.A. 75-342 in circumstances not discussed above.

  
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Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission  
on May 13, 1976.

  
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Louis J. Tapogna  
Clerk of the Commission