

Freedom of Information Commission  
of the State of Connecticut

In the Matter of a Complaint by )  
Robert Helbig, Complainant ) Report of Hearing Officer  
against ) Docket #FIC 76-55  
Town of Groton, Noank Fire District,))  
Zoning Commission of the Noank ) May 11, 1976  
Fire District, Respondents )

The above captioned matter was heard as a contested case on April 23, 1976, at which time the complainant and the respondent zoning commission appeared 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.
2. By letter of complaint filed with this Commission on April 5, 1976, the complainant alleged that the respondent zoning commission violated P.A. 75-342 by improperly convening in executive session at its March 23, 1976 meeting.
3. The respondent zoning commission unanimously voted to go into executive session at the meeting in question in order to discuss pending litigation pursuant to §§ 1(e)(2) and 6 of P.A. 75-342.
4. Although no votes were taken at such executive session, it is found that matters relating to the complainant were discussed at such session.
5. It is further found that there was no pending litigation between the respondent zoning commission and the complainant at the time of the executive session in question.
6. It is therefore concluded that such executive session was convened in violation of §§ 1(e)(2) and 6 of P.A. 75-342.
7. Upon completion of the executive session, the respondent zoning commission re-convened in public session at which time it voted upon matters relating to the complainant discussed at the executive session. The complainant was present at such public session.

8. The complainant had knowledge of the documents concerning him which the respondent zoning Commission considered at its executive session and was informed of the substance of the discussion at such executive session through the minutes of the respondent zoning commission and through conversations with its chairman.

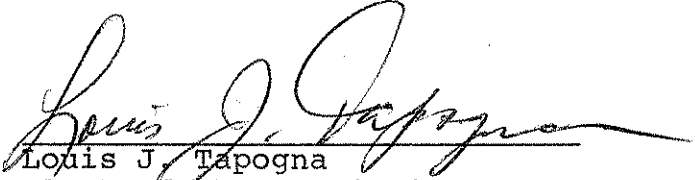
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. Henceforth the respondent zoning commission will strictly comply with the provisions of P.A. 75-342 regarding the convening of executive sessions.

  
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Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission  
on May 26, 1976.

  
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Louis J. Tapogna  
Clerk of the Commission