

Freedom of Information Commission  
of the State of Connecticut

In the Matter of a Complaint by )  
Charles J. Flanagan, Complainant } Report of Hearing Officer  
against ) Docket #FIC 76-97  
Town of Middlebury and Middlebury ) July 7, 1976  
Planning and Zoning Commission,  
Respondents )

The above captioned matter was heard as a contested case on July 2, 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:

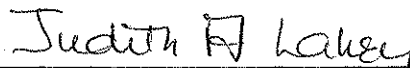
1. The respondents are public agencies.
2. By complaint filed with this Commission on June 3, 1976, the complainant alleged that a quorum of the respondent commission held a special meeting in executive session on May 16, 1976 in violation of P.A. 75-342. The purpose of the alleged special meeting was to discuss the termination of the complainant from the office of Middlebury Zoning Enforcement Officer.
3. The complaint further alleged that as a result of such special meeting, members of the respondent commission prepared a resolution calling for the dismissal of the complainant which resolution was considered and adopted at the May 20, 1976 regular meeting of the respondent commission.
4. The complainant also alleged that he received insufficient notice of the May 20, 1976 meeting concerning his dismissal, in violation of P.A. 75-342. The meeting commenced at approximately 7:30 p.m.
5. It is found that a quorum of the respondent commission did not meet in special executive session, or otherwise, to discuss the retention or dismissal of the complainant either on May 16, 1976 or at any time within the week immediately preceding the May 20, 1976 meeting.
6. It is found that the complainant received notice at approximately 6:40 p.m. on May 20, 1976 that his dismissal would be considered at the regular meeting scheduled for that evening.

7. Since the May 20, 1976 meeting of the respondent commission was open to the public, it is concluded that the respondent commission 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 Middlebury Town Clerk.

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.

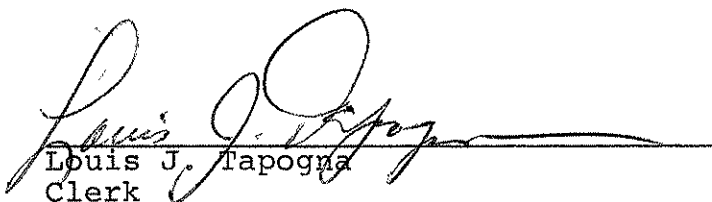
2. In keeping with the policies of public disclosure and fairness which premise P.A. 75-342, this Commission recommends that henceforth the respondent commission provide more timely notice to employees when consideration of their dismissal will be undertaken at future meetings of such commission.



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Commissioner Judith A. Lahey

as Hearing Officer

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

  
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Louis J. Tapogna  
Clerk

Freedom of Information Commission