

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by    )  
Alphonso Vitello, Complainant    )  
  )  
                                  against    )  
  )  
Town of Derby and Board of        )  
Education of the Town of Derby,    )  
                                  Respondents    )  
  )

Report of Hearing Officer

Docket #FIC77-120

July 12, 1977

The above captioned matter was heard as a contested case on July 1, 1977, 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 as defined by §1-18a(a), G.S.
2. On June 6, 1977 a properly noticed special meeting of the respondent board was held to ratify the contract between the respondent board and the Derby Education Association.
3. After the contract was approved by vote of respondent, a motion was made and unanimously passed to go into executive session to "discuss personnel".
4. At the executive session discussion was had on eliminating complainant's part-time position of athletic director for budgetary reasons.
5. A vote was taken to gain a consensus on the issue and the result of the vote was favorable to eliminating the position.
6. The executive session was improperly called as to this matter as eliminating the position for budgetary reasons does not relate to "the appointment, employment, performance, evaluation, health or dismissal of a(n) ... employee..." §1-18a(e)(1), G.S.

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

1. All votes and actions relative to complainant taken at the executive session of June 6, 1977 are declared null and void.
2. Henceforth, the respondent is cautioned to make use of executive session provision of the Act, solely for those purposes set forth in §1-18a(e), G.S. and in the manner set forth in §1-21, G.S.

*Helen Loy*

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Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on July 27, 1977.

*Charlene G. Arnold*

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Charlene G. Arnold as Clerk of the  
Freedom of Information Commission

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