

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Robert H. Boone, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-45
)	
Board of Education of the Town)	April 4, 1977
of South Windsor, Respondent)	

The above captioned matter was heard as a contested case on March 29, 1977, at which time the complainant and the respondent board appeared, stipulated to certain facts, and presented testimony and argument on the complaint.

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

1. The respondent board is a public agency as defined by §1-18a(a), G.S.
2. On February 8, 1977, the respondent board voted to go into executive session to discuss the non-renewal of the contracts of certain undisclosed teachers.
3. The minutes of the aforesaid executive session show that two motions were introduced and passed concerning the non-renewal of the contracts of two teachers whose names were not disclosed in the minutes that were subsequently made available to the public as required by §1-21, G.S.
4. The parties stipulated that these minutes were now part of the personnel files of the teachers concerned.
5. By letter filed with the Commission on February 22, 1977, the complainant contended that the names of the teachers involved are an essential part of the votes that occurred in executive session and must be disclosed in the minutes in accordance with the requirements of §1-21, G.S.
6. This same issue has been raised by the same parties on an appeal to the Court of Common Pleas from a decision of this Commission in Journal Inquirer against Town of South Windsor and the Board of Education of the Town of South Windsor, docket #FIC76-25.
7. Since the decision in the aforesaid appeal may be dispositive of the issue raised herein, and in view of the fact that a stay of execution was granted by the Court relative to the Commission's order in the same appeal, it is concluded that the Commission should refrain from deciding the above mentioned matter at this time.

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


1. The Commission shall retain jurisdiction over this matter pending final disposition of the above cited appeal. At such time, unless this Commission is notified in writing by all parties hereto that the issue presented herein has been resolved, this Commission shall forthwith institute further proceedings to finally determine this matter in accordance with P.A. 75-342.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on April 13, 1977.



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

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Complainant
against

Board of Education of the Town
of South Windsor,

Respondent

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Docket #FIC77-45

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On April 4, 1977, the undersigned submitted a hearing officer's report, in which it was found that the same issue in this case was raised by the same parties in a court appeal from the Commission decision in Docket #FIC76-25. That report was approved by the Commission on April 13, 1977 and the Commission ordered that it shall retain jurisdiction over this matter pending final disposition in the above-mentioned court appeal. Subsequently, the court sustained the Commission's decision and order of disclosure in Docket #FIC76-25, and the requested information, including that sought in this case, has been furnished to the complainant.

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.

Judith Lahey

Commissioner Judith Lahey
as Hearing Officer

Approved by order of the Freedom of Information Commission on February 13, 1980.

Leslie Ann McGuire

Leslie Ann McGuire
Clerk of the Commission