

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Wayne L. Tyson, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-5
)	
City of Stamford and the Charter)	February 16, 1977
Commission of the City of Stamford,)	
Respondents)	
)	

The above captioned matter was heard as a contested case on February 7, 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), General Statutes.
2. By letter of complaint filed with this Commission on January 18, 1977, the complainant alleged that on January 11, 1977 and on January 13, 1977, the respondent commission met and voted to go into executive session for a purpose not permitted under §1-18a(e), General Statutes.
3. By same letters, the complainant further alleged that a record of votes taken upon issues before the respondent commission at the aforesaid gatherings were not made available for public inspection within the time required by §1-21, General Statutes.
4. A quorum of the respondent commission met on January 11, 1977 and January 13, 1977 to discuss matters over which the respondent commission has jurisdiction, supervision and control.
5. It is found that the aforesaid gatherings of the respondent commission were meetings of a public agency within the meaning of §1-18a(b), General Statutes.
6. The respondent commission, construing §1-18a(e) together with §1-19(b)(1) of the General Statutes, contends that its executive sessions concerned discussions relating to preliminary drafts or notes within the meaning of §1-19(b)(1), General Statutes.
7. The respondent commission further contends that §1-18a(e)(5) protects its discussions thereon and not the preliminary draft not otherwise required to be disclosed within the meaning of §1-19(b)(1), General Statutes.

8. §1-18a(e) (5) permits discussion of only those matters which would result in the disclosure of public records described in subsection (b) of §1-19, General Statutes.

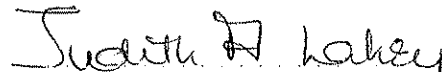
9. It is found that there were a plethora of matters discussed in the aforesaid executive session which were not related to preliminary drafts or notes within the meaning of §1-19(b) (1). For example, the respondent commission discussed letters received from the public and representatives of the public, which letters contained suggestions relating to possible revisions to the town charter. These letters are clearly not preliminary drafts or notes within the meaning of §1-19(b) (1), General Statutes.

10. It is therefore concluded that the respondent commission met in executive session on January 11, 1977 and January 13, 1977, for purposes that were not permitted under §1-18(a) (e), General Statutes.

11. It was not proved that the respondent commission voted upon any issue before it at its meetings of January 11, 1977 and January 13, 1977 and therefore this Commission does not find a violation of §1-21, General Statutes, requiring the availability of the record of votes for public inspection within 48 hours.

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


1. Henceforth, the respondent commission shall meet in executive session only for those purposes stated in §1-18a(e), General Statutes.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on February 23, 1977.


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