

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
John W. McCoy, Complainant) Report of Hearing Officer
)
against) Docket #FIC77-65
)
Town of Oxford and Planning and) May 11, 1977
Zoning Commission of the Town of)
Oxford, Respondents)
)

The above captioned matter was heard as a contested case on May 3, 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. On March 17, 1977, the respondent commission at a regularly scheduled meeting heard a statement from an aggrieved party (Creamer) concerning water run-off on their property.
2. The Creamers also had a law suit pending against two members of the respondent commission in their individual capacities as builders relative to the run-off problem.
3. Mrs. Creamer, during this meeting, explained that a law suit might be necessary against the respondent commission at some future date.
4. The respondent commission thereupon voted to convene in executive session to discuss the Creamers' pending litigation and possible litigation against the board.
5. Among others, the Creamers were invited to attend the executive session, but the complainant was excluded therefrom.
6. In the executive session no action was taken.
7. An executive session may be held under §1-18a(e)(2), G.S., referring to "pending claims and litigation", only when the public agency is actually a party to such litigation.
8. The respondent commission was threatened with suit, but one had not actually been filed at the time of the executive session.
9. It is therefore found that the executive session here in issue was not held for a purpose permitted under §1-18a(e)(2), G.S.

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 permitted under §1-18a(e), G.S.

Judith Lahey
Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission
on May 25, 1977.

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