

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Larry Williams, Complainant) Report of Hearing Officer
against) Docket #FIC77-75
State of Connecticut; and
Chairman of the Commission on
Special Revenue, Respondents) May 4, 1977
Lester B. Snyder, Intervenor)

The above captioned matter was heard as a contested case on April 28, 1977, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

Mr. Lester B. Snyder moved for leave to intervene. The respondents objected to such motion contending that Mr. Snyder was without standing to intervene. Such motion was granted pursuant to §1-21j-28 of the Rules of Practice of this Commission and the intervenor was expressly permitted to participate by presenting evidence and legal argument.

After consideration of the entire record, the following 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 April 1, 1977, the complainant alleged that on March 30, 1977 the respondents met in executive session for a purpose not permitted under §1-18(a)(e), General Statutes.
3. In the course of a meeting held on March 30, 1977, the respondents held an executive session, stating as one of its reasons therefor, the attorney-client privilege.
4. In the aforesaid executive session, the respondents voted to place on the agenda of its next meeting the matter of releasing a certain document relating to the Sawmill Brook Racing Association, Inc.

5. Also in the same closed session, various members of the Commission on Special Revenue discussed generally the policy issues surrounding the release of documents like the one above relating to the Sawmill Brook Racing Association, Inc.

6. The respondents support its executive session discussion of matters relating to the Sawmill Brook Racing Association, Inc. under §1-19(b)(9), General Statutes as communications privileged by the attorney-client privilege.

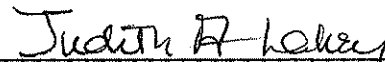
7. There was no showing at the hearing herein how any of the above discussions or vote would have resulted in the disclosure of information communicated in confidence by a client to an attorney employed in a professional capacity as such; that is, communications privileged by the attorney-client relationship.

8. It is found that the aforesaid discussions and vote fell without the purview of communications privileged by the attorney-client relationship under §1-19(b)(9), General Statutes.

9. It is therefore concluded that the respondents met in executive session on March 30, 1977, for a purpose that was not permitted under §1-18(a)(e), General Statutes.

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

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



Commissioner Judith A. Lahey

As Hearing Officer

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



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