

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 #FIC78-15  
 )  
State of Connecticut; and ) April 17, 1978  
Commission on Special Revenue of )  
the State of Connecticut, )  
Respondents )

The above captioned matter was heard as a contested case on February 23, 1978, at which time the complainant and the respondent commission appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent commission is a public agency as defined by §1-18a(a), G.S.
2. At its meeting held on January 25, 1978, the respondent commission proceeded into executive session stating as its reason therefor "pending claims and litigation" under §1-18a(e)(2), G.S.
3. The background of the aforesaid executive session concerned the refusal of WFSB/TV 3 to change the name of the Connecticut weekly lottery game, televised on Channel 3, from the title "Double Play", as requested by the respondent commission.
4. The respondent commission, among other things, discussed the following in executive session:
  - a. Whether continued use of the title "Double Play" would be misleading to the citizenry,
  - b. How else to get the lottery game televised if the respondent commission decided to terminate its contract with WFSB/TV 3 concerning programming of the same,
  - c. The rights and duties of the parties under the aforesaid contract, and particularly whether the respondent commission had a right to terminate the contract,
  - d. The possibility of litigation.
5. After coming out of the aforesaid executive session, the respondent commission voted to continue to negotiate with Channel 3 for a new name for the lottery show and, if both parties could not agree, to terminate the contract by invoking section 14 thereof. §14 of the contract allows either party, at

its election, to terminate the contract on certain dates for whatever cause it deems proper.

6. Such discussion in executive session does not constitute strategy or negotiations with respect to pending claims and litigation under §1-18a(e)(2), G.S.

7. The complainant was therefore wrongfully denied his right to attend such discussion at an open meeting, as required by §1-21, G.S.

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

1. Henceforth, the respondent commission may meet in executive session under §1-18a(e)(2), G.S. only when its discussion strictly relates to strategy or negotiations with respect to pending claims and litigation as outlined in the Findings hereinabove.

*Judith A. Lahey*

Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission  
on April 26, 1978.

*Charlene G. Arnold*

Charlene G. Arnold  
Clerk of the Freedom of Information  
Commission