

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Robert Seirup,

Complainant

Report of Hearing Officer

against

Docket #FIC78-173

Board of Education of the
Town of Fairfield,

November 17, 1978

Respondent

The above captioned matter was heard as a contested case on October 23, 1978, at which time the complainant and the respondent board appeared, stipulated to certain facts, and presented exhibits 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. The complainant herein was a tenured teacher prior to August 10, 1978.
3. In May, 1978, the question of the termination of the complainant's contract was under consideration by an impartial panel of three persons pursuant to §10-151, G.S.
4. Three days of hearings were held in July, 1978 by such impartial panel.
5. On July 31, 1978, the respondent board received a written decision from such panel recommending against termination of the complainant's contract.
6. On August 10, 1978, a quorum of the respondent board discussed what action to take with respect to the aforesaid recommendation. The respondent board voted to terminate the complainant's contract at such gathering.
7. Such gathering was not a regularly scheduled meeting of the respondent board and notice of special meeting was not posted with the clerk of the respondent town.
8. The aforesaid decision and action thereon clearly constituted a matter over which the respondent board had supervision, control, jurisdiction or advisory power pursuant to §10-151, G.S.
9. Even assuming that such discussion was a proper purpose for an executive session pursuant to §1-18a(e)(1), G.S., the complainant was not given the personal notice required thereunder for purposes of affording him the opportunity of requiring that such discussion be held at an open meeting.

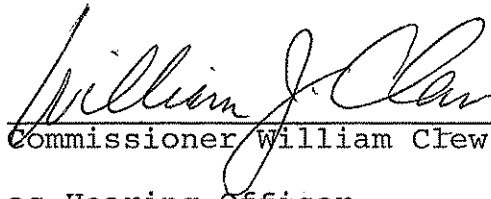
10. The respondent board's gathering of August 10, 1978 is found to constitute a meeting within the meaning of §1-18a(b), G.S.

11. It is further found that the respondent board failed to give notice to such meeting as required by §1-18a(e)(1) and §1-21, G.S.

12. It is concluded that the complainant was wrongfully denied the right to attend such discussion at an open meeting as required by §1-21, G.S.

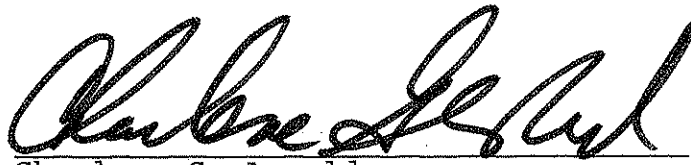
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. All actions taken at the August 10, 1978 meeting of the respondent board are hereby declared null and void.



Commissioner William Crew
as Hearing Officer

Approved by order of the Freedom of Information Commission on
December 13, 1978.



Charlene G. Arnold
Clerk of the Commission