

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Executive World Association, Inc.
Complainant

Report of Hearing Officer

against

Docket #FIC78-187

City and Town of New Britain;
and the Building Commission of
the City and Town of New Britain,
Respondents

December 11, 1978

The above captioned matter was heard as a contested case on November 2, 1978, 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 within the meaning of §1-18a(a), G.S.
2. By complaint filed with the Commission September 27, 1978 the complainant alleged that a violation occurred during a recess of a meeting of the respondent building commission when members of the respondent commission held an improper executive session.
3. The complainant requested that the Commission declare null and void all votes of the respondent commission at the aforesaid meeting.
4. At hearing the respondent commission alleged that the hallway conversation did not constitute a meeting within the terms of §1-18a(b), G.S. and that it did not violate the open meeting provisions of §1-21, G.S.
5. The respondent commission held a meeting on September 7, 1978 which began at approximately 7:00 p.m.; at about 9:05 the full commission agreed to a recess.
6. Prior to the recess the commission had been considering the opinion of its corporation counsel that it should revoke a certificate of occupancy which had been granted the complainant for its premises at 1283 Main Street.
7. During the recess some of the commissioners discussed whether the respondent commission should postpone action on the aforesaid certificate of occupancy.
8. After the recess the respondent commission voted to revoke the certificate of occupancy.

9. It is found that the complainant failed to prove that a quorum of the respondent commission discussed or acted upon a matter over which the respondent commission has supervision, control, jurisdiction or advisory power during the aforesaid recess.

10. It is concluded, therefore, that the respondent commission did not hold an improper executive session in violation of the requirements of §1-21, G.S.

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

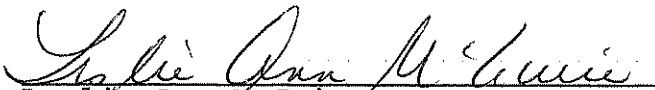
1. The complaint is hereby dismissed.



Commissioner Judith Dahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on
January 10, 1979.



Leslie Ann McGuire
Acting Clerk of the Commission