

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Raymond R. Baginski, Sr.,
Complainant

Report of Hearing Officer

against

Docket #FIC78-204

Board of Education of the Town
of Southington,
Respondents

March 14, 1979

The above captioned matter was heard as a contested case on November 30, 1978, at which time the complainant and the respondent appeared and presented testimony, 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 within the meaning of §1-18a(a), G.S.
2. On September 27, 1978, the respondent board held a special meeting.
3. During the aforesaid meeting the respondent board voted unanimously to go into executive session for the purpose of obtaining legal advice from the board's attorney.
4. During the aforesaid executive session the respondent board met with its attorney and prepared a statement in support of an action taken by the superintendent of schools.
5. At the conclusion of the executive session the respondent board unanimously adopted the statement it prepared in the executive session.
6. The aforesaid statement is included in the minutes for the meeting of September 27, 1978.
7. By letter filed with this Commission on October 19, 1978, the complainant alleged that the respondent board, during the special meeting held September 27, 1978, was not held for a proper purpose within the meaning of §1-18a(e), G.S.
8. The respondent board claimed that the aforesaid executive session was called on the advice of the respondent board's attorney and was held for a proper purpose under §1-18a(e), G.S. and §1-19(b)(10), G.S., which exempts from public disclosure communications privileged by the attorney-client relationship.

9. §1-18a(e)(5), G.S. permits an executive session to be called for "discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-19."

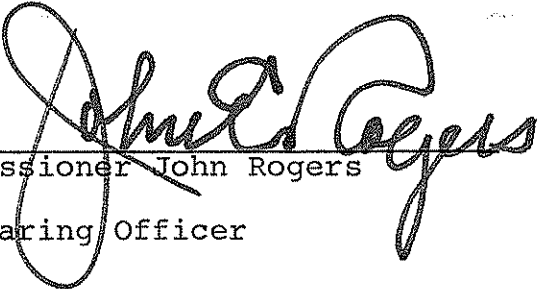
10. §1-19(b) exempts from disclosure certain records maintained or kept on file by a public agency.

11. The respondent board failed to prove that the executive session was called to prevent disclosure of an exempt record or the information contained therein.

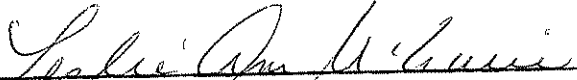
12. It is concluded that the executive session which was held on September 27, 1979 was not held for a proper purpose within the meaning of §1-18a(e)(5), G.S.

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

1. The respondent board shall henceforth comply with the requirements of §1-18a(e) and §1-21, G.S.


Commissioner John Rogers
as Hearing Officer

As approved by Order of the Freedom of Information Commission
on March 28, 1979.


Leslie Ann McGuire
Acting Clerk of the Commission.