

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

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| In the Matter of a Complaint by Thomas Venice, Complainant |) | Report of Hearing Officer |
| |) | |
| against |) | Docket #FIC78-5 |
| |) | |
| Town of East Haven; Chairman of the Town Council of the Town of East Haven; and Frances Griego, Mary V. McMahon, Anthony E. Perillo, Shirley Pero, Joseph A. Redente, Stephen J. Russo, Carmen Savo, Marilyn Vitale, William J. Zamba, Respondents |) | February 15, 1978 |

The above captioned matter was heard as a contested case on February 10, 1978, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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

1. A quorum of the town council of the respondent town held a meeting on January 3, 1978.
2. At some point during the course of such meeting, the majority party called a short recess.
3. During such recess, the majority members of the town council met in caucus together with the mayor. The mayor, although not a member of the council, is a member of the same political party.
4. The complainant concedes that the members of a single political party may meet in caucus.
5. The complainant, however, objects to the manner in which the majority of the council of the respondent town proceeded into caucus on January 3, 1978. The complainant maintains that the town council's failure to publicly state a reason for calling such recess at the aforesaid meeting, namely a caucus of the majority party, constitutes a violation of the Freedom of Information Act.
6. This matter was raised by letter received from the complainant by the Commission on January 10, 1978.
7. §1-21, G.S. does require a public agency to publicly state one of the reasons enumerated under §1-18a(e), G.S. for holding an executive session, before proceeding into executive session.

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8. However, the caucus of the members of a single political party is not one of the reasons enumerated under 1-18a(e), G.S. for holding an executive session.

9. "...a caucus of members of a single political party..." is expressly excluded from the definition of "meeting" under 1-18a(b), G.S. "notwithstanding that such members also constitute a quorum of a public agency or a public agency..."

10. It is found that the council of the respondent town was not required to publicly state the reasons for its recess, as there is no notice requirement attached to a political caucus of a single political party under the Freedom of Information Act.

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.

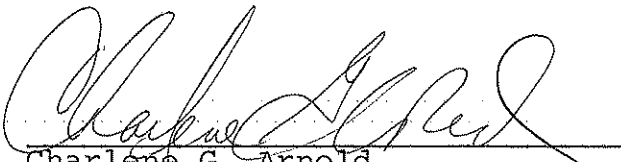
2. Although no notice of a caucus of political party members is required under the law, the Commission suggests that a statement of intent to hold such a caucus be made before any recess at which one is contemplated. This should minimize the danger that citizens attending the meeting may conclude that an improper executive session is being held.



Commissioner Helen M. Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on
February 22, 1978.



Charlene G. Arnold
Clerk of the Commission