

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Barbara Y. Doyle,)
Complainant) Report of Hearing Officer
against) Docket #FIC78-96
The City and Town of Bristol;) July , 1978
and the Board of Education of)
the City and Town of Bristol,)
Respondents)

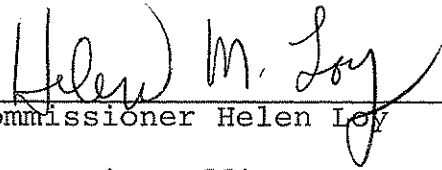
The above captioned matter was heard as a contested case on July 11, 1978 at which time the complainant and the respondents appeared and presented testimony, exhibits, and argument on the complaint.

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

1. The respondent board is a public agency within the meaning of §1-18a(a), G.S.
2. During a regular meeting on May 10, 1978 the respondent board held an executive session to discuss a personnel matter.
3. During the aforesaid executive session the respondent board voted on certain matters.
4. By letter filed with this commission May 25, 1978 the complainant claimed that the aforesaid votes violated the requirements of §1-18a(e), G.S., which permits only discussion of personnel matters in executive session and not votes on such matters.
5. The respondent board moved to dismiss the case on the ground that it has changed its practice and no longer votes on personnel matters in executive session and that therefore the issue has been rendered moot.
6. It is found that the issue before the commission is whether on May 10, 1978 the respondent board violated the requirements of §1-18a(e), G.S., not whether the respondent board presently chooses to comply with the law, and that the question has not been rendered moot.
7. §1-18a(e)(1), G.S., only permits "discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee...." (emphasis added)
8. It is further found that the aforesaid votes in executive session were not permitted under §1-18a(e)(1), G.S.

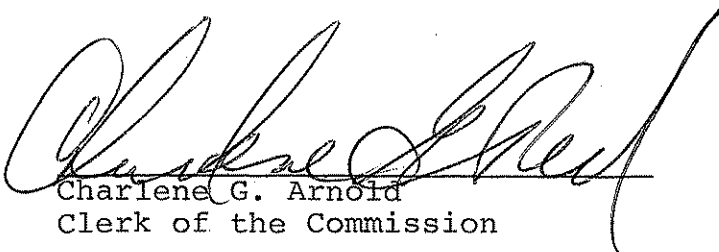
The following order by the Commission is hereby recommended on the basis of the record and the finding concerning the above captioned complaint:

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



Commissioner Helen Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission on August 9, 1978.



Charlene G. Arnold
Clerk of the Commission