

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Raymond R. Baginski,
Complainant ,
against
Town of Southington; Board of
Education of the Town of South-
ington,
Respondents,

Report of Hearing Officer
Docket #FIC79-118
December 27, 1979

The above captioned matter was heard as a contested case on December 11, 1979, 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. The respondents are public agencies as defined by §1-18a(a), G.S.
2. A quorum of the respondent board held a meeting on May 17, 1979.
3. On May 29, 1979, the complainant filed a complaint alleging various violations of the Freedom of Information Law regarding the aforesaid meeting.
4. At the commencement of the hearing, the complainant narrowed the issues raised in his complaint to the following:

a) whether the respondent board was permitted to hold its meeting beyond 12:00 midnight;

b) whether the minutes of such meeting should be amended to reflect that the respondent board reconvened such meeting in open session at 12:10 a.m. and adjourned such meeting at 12:17 a.m. In this regard, the minutes of the respondent board's meeting state that it reconvened in open session at 12:10 p.m. and adjourned such meeting at 12:17.

c) whether a certain motion regarding a school bus contract should be amended to reflect the exact dollar amount involved in such contract.

d) whether a consensus concerning the wording of the aforesaid motion was improperly established in executive session.

5. The respondent board's meeting of May 17, 1979 went beyond 12:00 midnight.

6. Some time during the course of such meeting the respondent board went into executive session.

7. The respondent board did not, while in executive session, arrive at a consensus regarding the wording of the school bus contract motion which was made in open session.

8. The respondent board did not at any time discuss exact dollar amounts relating to the school bus contract. In this regard, dollar amounts were not part of the motion which was made and voted upon, in open session, following the executive session in question, as alleged.

9. Following its executive session, the respondent board reconvened in open session at 12:10 a.m. and adjourned its meeting at 12:17 a.m.

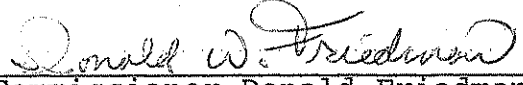
10. It is found that the Freedom of Information law does not prohibit the holding of meetings beyond 12:00 midnight.

11. It is further found that the respondent board failed to make, keep and maintain a record of its meeting of May 17, 1979, as required by §1-19(a), G.S. In this regard, the minutes of such meeting were required to state that the executive session held during such meeting ended at 12:10 a.m. and the meeting adjourned at 12:17 a.m.

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

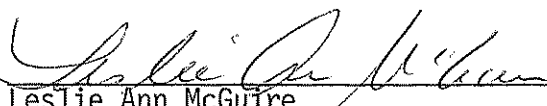
1. The respondent board shall amend the minutes of its meeting of May 17, 1979 in order that the time periods described in paragraph 11 of the Findings above are accurately described.

2. The remaining allegations of the complaint are hereby dismissed.



Commissioner Donald Friedman
as Hearing Officer

Approved by Order of the Freedom of Information Commission on January 23, 1980.



Leslie Ann McGuire
Clerk of the Commission