

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Judith Plummer,

Complainant

Report of Hearing Officer

against

Docket #FIC79-159

State Teachers Retirement Board,
Respondent

January 29, 1980

The above captioned matter was heard as a contested case on January 24, 1980, at which time the complainant and the respondent board 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 respondent board is a public agency as defined by §1-18a(a), G.S.
2. The respondent board is responsible for the management of the teachers' retirement system in Connecticut, pursuant to §10-183d G.S.. In this regard, the respondent board may adopt rules and regulations for the payment of out-of-state service credits purchased in accordance with §10-183e, G.S.
3. The respondent board conducted a meeting in executive session on June 12, 1979 to consider a certain application for the purchase of out-of-state service credits relating to the retirement benefits it manages.
4. Such executive session was held in spite of the protest of an attorney who was attempting to appear on behalf of the applicant for purchase.
5. The complainant, who was present at the meeting in question, brought the present notice of appeal to this Commission by letter dated June 15, 1979 and filed herewith on June 21, 1979.
6. The complainant contends that the aforesaid subject matter is not a proper purpose for holding a meeting in executive session under §1-18a(e), G.S.
7. The respondent board contends that such matter is a proper purpose for holding a meeting in executive session under §1-18a(e)(1), G.S. as a "discussion concerning the ... employment ... of a public officer or employee. ..." provided that the individual who is the proposed subject of such discussion may require an open meeting.

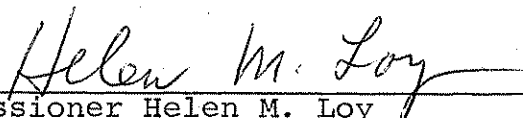
8. It is the governmental function of the respondent board to administer teachers' retirement benefits. In this capacity, it is not acting as an employer discussing the appointment, employment, performance, health or dismissal of a public officer or employee within the meaning of §1-18a(e)(1), G.S.

9. It is therefore concluded that the respondent board's executive session discussion of June 12, 1979 was required to have been held at an open meeting pursuant to §1-21, G.S.

10. Such matter is not moot based upon the respondent board's contention as outlined in paragraph 7 of the Findings hereinabove.

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

1. Henceforth, the respondent board shall hold its discussions concerning the purchase of out-of-state service credits at open meetings pursuant to the requirements of §1-21, G.S.



Commissioner Helen M. Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission on February 13, 1980.



Leslie Ann McGuire
Clerk of the Commission