

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

William H. Goodspeed,

Complainant

Docket #FIC79-234

against

Board of Water Commissioners
of the City and Town of
New Britain

September 2, 1981

Respondents

The above captioned matter was scheduled for hearing before Commissioner William J. Clew on April 29, 1980 at which time the parties appeared and presented evidence and argument on the complaint. Before a hearing officer's report was issued Commissioner Clew died.

The matter was subsequently rescheduled for hearing on March 24, 1981 at which time the parties appeared and presented evidence and argument on the complaint.

1. The respondents are a public agency within the meaning of §1-18a(a), G.S.
2. By letter filed with this Commission on December 7, 1979, the complainant alleged that on November 13, 1979 the respondent Board of Water Commissioners "tampered" with a motion which they had adopted at a meeting on October 24, 1979.
3. The complainant alleged that the "tampering", which was evidenced by amendments to the minutes of an October 24, 1979 meeting adopted on November 13, 1979, was a violation of the Freedom of Information Act and requested that the November 13, 1979 action against him be declared null and void.
4. The complainant further claimed that the adoption of the amendments on November 13, 1979 violated the requirements of §1-18a(e) (1), G.S.
5. Section 1-18a(e) (1), G.S. provides in relevant part that discussion concerning the employment, performance or evaluation of a public employee may be held in executive session provided that such an individual may require that discussion be held at an open meeting.

6. The complainant was not notified that the minutes of the October 24, 1979 meeting would be amended at the November 13, 1979 meeting.

7. The minutes of the October 24, 1979 meeting were amended during the public portion of the meeting.

8. Each of three motions to suspend the complainant for "ten (10) days" was amended to read "ten (10) working days".

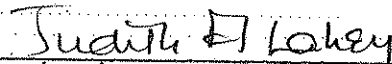
9. The amendments of the minutes merely clarified and corrected the motions which had been discussed and adopted on October 24, 1979.

10. The complainant failed to prove that any substantive discussion of his performance, evaluation or employment occurred during the November 13, 1979 discussion correcting the minutes of October 24, 1979.

11. It is concluded that the complainant failed to prove that the respondent violated §1-18a(e)(1) or any other provision of the Freedom of Information Act.

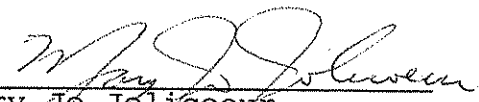
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The complaint is hereby dismissed.



Commissioner Judith A. Lahey
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of October 14, 1981.



Mary Jo Jolicoeur
Clerk of the Commission