

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Peter B. Pach; and the Meriden Record
Company,

Report of Hearing Officer

Complainants

against

Docket #FIC80-21

City and Town of Wallingford; Board
of Education of the City and Town of
Wallingford; and Chairman of the
Board of Education of the City and
Town of Wallingford;

August 13, 1980

Respondents

The above captioned matter was heard as a contested case on June 26, 1980, at which time the complainants 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 respondents are public agencies as defined by § 1-18a (a), G.S.
2. By letter filed with the Commission on February 6, 1980, the complainants alleged that the respondent board violated the Freedom of Information Act by convening in executive session for a purpose not authorized by § 1-18a(e), G.S., during its meeting of January 29, 1980.
3. In the course of a meeting conducted on January 29, 1980, the respondent board convened in executive session for the purpose of deliberating after a public hearing on a complaint concerning school bus service lodged by a resident of the respondent town.
4. The respondent board contends that because its post-hearing deliberations are similar to those of a jury, it may properly deliberate in executive session.
5. It is concluded that the purposes for which a public agency may convene in executive session, as exclusively listed in § 1-18a(e), G.S., pertain to the specific subject matter of the session, and do not encompass the jury-like deliberations of a public agency, per se.

6. The respondent board contends that § 1-18a(e)(5), G.S., authorized its executive session because it discussed a matter which would result in the disclosure of information contained in records exempt from disclosure under § 1-19(b), G.S.

7. It is found that no documents, other than exhibits publicly presented in the course of the hearing, were produced or discussed during the executive session of the respondent board.

8. Consequently, § 1-18a(e)(5), G.S., does not authorize the January 29, 1980 executive session of the respondent board.

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 henceforth comply with § 1-21, G.S., by convening in executive session only for purposes specifically authorized by section 1-18a(e).



Donald W. Friedman
as Hearing Officer

Approved by order of the Freedom of Information Commission on August 27, 1980.



Leslie Ann McGuire
Clerk of the Commission