

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
K. J. Ring,

Complainant

Report of Hearing Officer

against

Docket #FIC80-66

City and Town of Norwich; and
Board of Education of the City
and Town of Norwich,

Respondents

May 9, 1980

The above entitled matter was scheduled for hearing on April 15, 1980 with #FIC80-55, Susan Mecteau v. City and Town of Norwich; and Board of Education of the City and Town of Norwich, because the complaints concerned related subject matter and the same respondents. All parties appeared at hearing at which time they presented evidence and argument on the complaints.

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

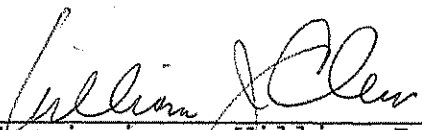
1. The respondents are public agencies within the meaning of §1-18a(a), G.S.
2. By letter filed with the Commission on March 14, 1980, the complainant alleged violation of the Freedom of Information Act as codified at Chapter 3 of the General Statutes with respect to the manner in which the respondent board conducted a meeting at which it voted not to renew the contract of the superintendent of schools.
3. The complainant alleged that the failure of the respondent board to allow the superintendent to require that the discussion of his performance be held in an executive session with the public excluded was a violation of the Freedom of Information Act.
4. It is found that no section of the Freedom of Information Act requires that a public agency permit a person whom it intends to discuss to require that it hold such discussion in executive session.
5. The complainant further alleged that the manner in which the vote which was taken after the February 19, 1980 executive session did not satisfy the requirements of the Freedom of Information Act.
6. The respondent maintained that the requirements of the Act had been satisfied.
7. The meeting of February 19, 1980 was noticed for the board room but was adjourned to the gymnasium to accommodate the large numbers of the public who attended.
8. After the respondent board voted to go into executive session, it adjourned from the gymnasium to the library for the executive session.

9. When the board came out of the executive session it stayed in the library where it voted not to renew the contract of the superintendent.

10. It is found that when the board failed to return to the gymnasium for the vote on the motion not to renew, it excluded the public from a public meeting in violation of §1-21, G.S.

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

1. The vote on the motion not to renew the contract of the superintendent which was taken on February 19, 1980 is hereby declared null and void.



Commissioner William J. Clew
as Hearing Officer

Approved by order of the Freedom of Information Commission on July 21, 1980.



Leslie Ann McGuire
Clerk of the Commission