

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Vivian B. Martin and The
Hartford Courant,

Complainant

Report of Hearing Officer

Docket #FIC80-84

January 21, 1981

against

The Town of Windsor; and the
Board of Education of the Town
of Windsor

Respondents

The above-captioned matter was scheduled for hearing December 2, 1980 at 2:00 p.m. at which time the parties appeared and presented evidence and argument on the complaint.

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 April 8, 1980, the complainant alleged that the respondent Board held an improper executive session on March 13, 1980.
3. On March 13, 1980, the respondent Board held a special meeting and went into executive session to discuss "personnel".
4. The main subject matter of the discussion was the impact of closing the Deerfield School upon the job status of the particular teachers, administrators and other personnel at the school.
5. However, the discussion got off the main track into various ramifications of the school closing.
6. Despite the fact that the discussion was not narrowly or strictly limited to the purpose for the executive session -- discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public employee -- the respondent Board continued its closed meeting.
7. The respondent Board admitted that it had violated the law but it urged that the violation was a consequence of thoughtlessness

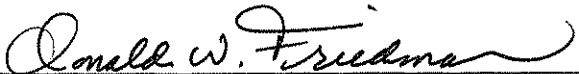
rather than being a calculated and willful violation.

8. The complainant did not prove that the violation was willful.

9. It is found that the respondent Board did violate the open meeting requirements of §1-21 and §1-18a(e)(1) G.S. when it held the executive session at the March 13, 1980 meeting.

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

1. The respondent shall henceforth comply with the requirements of §1-21 and §1-18a(e)(1) G.S.



Commissioner Donald Friedman
as Hearing Officer

Approved by Order of the Freedom of Information Commission at its regular meeting of April 8, 1981.



Wendy Rae Briggs
Clerk of the Commission