

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Stephen Hamm and John O. Bailey,
(Journal Courier, Jackson
Newspapers, Inc.)

FINAL DECISION

Complainants

Docket #FIC83-139

against

Board of Police Commissioners
of the City and Town of New Haven,

December 19, 1983

Respondent

The above captioned matter was heard as a contested case on October 11, 1983 at which time the complainants and the respondent appeared, and presented testimony, exhibits and argument on the complaint.

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.

2. On June 14, 1983 the respondent held a regular meeting during which it convened in executive session to discuss certain personnel matters.

3. By letter of complaint filed with the Commission on July 7, 1983 the complainant alleged that while convened in executive session the respondent voted on two retirements, a personnel grievance and two requests for reinstatement, and that such votes were in violation of §1-18a(e)(1), G.S.

4. The respondent claims that the term "discussion" as used in §1-18a(e)(1), G.S. does not preclude the taking of votes.

5. The respondent also claims that because the results of the votes were printed in the minutes of the June 14, 1983 meeting, the taking of the votes in executive session has no legal consequence.

6. It is found that §1-18a(e)(1) specifically limits treatment of personnel matters in executive session to "discussion." The use of the term "discussion" precludes the taking of votes in executive session.

7. It is concluded that the respondent violated §1-18a(e)(1), G.S. when, on June 14, 1983 it voted in executive session regarding the matters referred to at paragraph 3, above.


8. The Commission finds unpersuasive the respondent's argument that because votes were printed in the minutes, the taking of the votes in executive session was without legal consequence.

9. However, no request for the nullification of the respondent's votes was made by the complainant, nor does the Commission deem a null and void order an appropriate remedy under the circumstances.

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

1. Henceforth the respondent shall act in strict compliance with the requirements of §1-18a(e)(1), G.S. regarding limitation of activity in executive session to discussion only.

Approved by order of the Freedom of Information Commission at its special meeting of December 8, 1983.



Mary Jo Jolicœur
Clerk of the Commission