

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Michael F. Rizzutti

FINAL DECISION

Complainant

Docket #FIC84-125

against

November 14, 1984

Mayor, Town of Naugatuck and
Police Commission, Town of
Naugatuck

Respondents

The above captioned matter was heard as a contested case on September 11, 1984 at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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

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

2. The complainant filed an appeal with the Commission on July 12, 1984 by letter dated July 9, 1984, in which the complainant alleged that on June 26, 1984 the respondent Police Commission held an improper executive session to discuss testing for the position of police chief with a proposed testing consultant.

3. It is found that on June 26, 1984 the Police Commission held a meeting beginning at 7:30 p.m.

4. It is found that previous to the meeting of the Police Commission on June 26, 1984, the police commissioners met in the Mayor's Office at about 7:00 p.m.

5. It is found that during the session in the Mayor's Office the police commissioners discussed a proposed testing procedure for the position of police chief with Mr. C. Charles Chekas.

6. It is found that the agenda for the 7:30 p.m. meeting of the Police Commission included the selection of Mr. Chekas to administer the test for the position of police chief.

7. It is found that the Mayor of Naugatuck was aware that Mr. Chekas would appear to talk with the police commissioners before the 7:30 p.m. meeting.

8. It is found that at the meeting of the Police Commission beginning at 7:30 p.m. the Commission voted to allow Mr. Chekas to give the test for police chief.

9. It is further found that at the meeting of the Police Commission on June 21, 1984 the Commission voted to select Mr. Chekas and William Russo to give the test jointly unless they did not both accept, in which case one of the men would give the test.

10. It is further found that as of June 26, 1984 only Mr. Chekas was willing to give the test.

11. It is concluded that the 7:00 p.m. session in the Mayor's Office was a meeting of the Police Commission within the meaning of §1-18a(b), G.S.

12. It is concluded that the 7:00 p.m. meeting of the Police Commission in the Mayor's Office violated §1-21, G.S. in that the meeting was not open to the public and there was not a notice of the meeting stating the time and place and the business to be transacted.

13. It is found that the meeting in the mayor's office did not affect the vote during the 7:30 p.m. meeting to allow Mr. Chekas to give the test for police chief.

14. The complainant requested that the vote at the 7:30 p.m. meeting on June 26, 1984 be declared null and void. The commission declines to declare the vote null and void because the vote to allow Mr. Chekas to give the test was not affected by the meeting in the mayor's office.

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

1. Henceforth the respondents shall comply strictly with the provisions of §1-21, G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of November 14, 1984.


Mary Jo Jolicœur
Clerk of the Commission