FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

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| In the Matter of a Complaint by Peter Centurelli, Complainant | Report of Hearing Officer |
| against | Docket #FIC77-17 |
| City and Town of New Britain and Board of Water Commissioners of the City and Town of New Britain, Respondents | February 23, 1977 |

The above captioned matter was heard as a contested case on February 16, 1977, at which time the complainant 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 respondent board is a public agency within the meaning of §1-18a(a), G.S.

2. At a meeting held on January 17, 1977, a quorum of the respondent board voted unanimously to convene in executive session for the purpose of discussing the proposed suspension of certain employees of the respondent board. The complainant herein was one of the employees under discussion.

3. By letter of complaint filed with this Commission on January 26, 1977, the complainant alleged that nonboard members were present in the aforesaid executive session, in violation of §1-21g, G.S.

4. It is found that there were many individuals, not members of the respondent board, who were in attendance at the aforesaid executive session, beyond the period for which their presence was necessary.

5. It is therefore concluded that the respondent board did not limit attendance in the aforesaid executive session as is required by §1-21g, G.S.

6. The complainant prays that this Commission declare null and void the action taken as a result of the aforesaid discussion in executive session wherein the respondent board reconvened the public portion of its regular meeting of January 17, 1977 and voted to suspend the complainant from his employment without pay for a period of five days.

7. The complainant was on notice and did attend the meeting of the respondent board held on January 17, 1977.

8. The complainant did not request that the respondent board hold the aforesaid discussion at an open meeting pursuant to §1-18a(e)(1), G.S.

9. One of the individuals who was in attendance at the aforesaid executive session beyond the period necessary, as referred to in paragraph 4 of these findings, accompanied the complainant at the complaint's own behest during the period in which the complainant testified to the respondent board at its executive session.

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

1. Henceforth, the respondent board shall strictly limit attendance in executive session as required by §1-21g, G.S.

Judith Lahey
Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on March 9, 1977.

Louis J. Tapogna
Louis J. Tapogna, as Clerk of the Freedom of Information Commission