

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Tim Cronin, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-214
)	
The Town of Wallingford and the Mayor of the Town of Wallingford, and the Town Council of the Town of Wallingford, Respondents)	December 6, 1977

The above captioned matter was heard as a contested case on November 29, 1977, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony and argument on the complaint.

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

1. The respondents are public agencies as defined by §1-18a(a), G.S.
2. By letter of complaint filed with the Commission on November 14, 1977, the complainant alleged that the respondent mayor called a meeting of the respondent council on November 1, 1977 without proper notice or minutes taken thereof, in violation of the Freedom of Information Act.
3. The respondents admit that no notice was given of the meeting held on November 1, 1977.
4. The respondents contend, however, that the subject matter discussed at such meeting was a proper purpose for holding an executive session under §1-18a(e)(4), G.S. as amended by §1 of P.A. 77-609.
5. §1-21, G.S., requires that notice be given and minutes taken of all meetings of a public agency including executive sessions called for a proper purpose. Under §1-21, G.S., an executive session may only be held upon a vote taken at a properly noticed public meeting.
6. It is therefore found that the respondents have not complied with the notice and minutes requirements of §1-21, G.S.
7. Because it was not proved that such denial was wilful, this Commission will not seek to impose a fine penalty against the official or officials responsible for the aforesaid denial of the complainant's rights under §1-21, G.S.

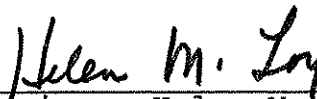
8. Similarly, because it was not shown that the meeting of November 1, 1977 resulted in action, it would be inappropriate to declare any action null and void.

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

1. Henceforth, the respondents shall give notice to all of their meetings. Notice of each special meeting shall be given not less than twenty-four hours prior to the time of such meeting by posting a notice specifying the time and place thereof and the business to be transacted therein in the office of the clerk of the town of Wallingford.

2. No other business shall be considered at the special meetings of the respondents except that specified in such notice of special meeting.

3. The respondents' shall take minutes of all of their meetings, regular and special, including meetings held in executive session, and all such minutes shall be made available for public inspection within seven days of the session to which they refer.



Commissioner Helen M. Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on
December 19, 1977.



Charlene G. Arnold
Clerk of the Commission