

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by	)	
Edward J. Thompson,	)	Report of Hearing Officer
Complainant	)	
	)	Docket #FIC77-32
against	)	
	)	March 8, 1977
Town of Watertown and Board of	)	
Education of the Town of	)	
Watertown,	)	
Respondents	)	

The above captioned matter was heard as a contested case on March 4, 1977, at which time the complainant and the respondent board appeared and presented testimony, exhibits and argument on the complaint.

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

1. The complainant is a member of the respondent board.
2. On January 31, 1977, a quorum of the respondent board met and voted to go into executive session for the purpose of discussing the merits of a motion to censure the complainant.
3. The complainant requested that the aforesaid discussion be held at an open meeting pursuant to §1-18a(e)(1), G.S.
4. The complainant, together with his attorney, remained in attendance at the executive session here in issue.
5. The gravamen of the complainant's appeal, filed with this Commission on February 15, 1977, alleged that the failure of the respondent board to hold the aforesaid discussion at an open meeting, pursuant to the complainant's request, constituted a violation of his rights under §1-18a, G.S.
6. The respondent board first moved to dismiss this appeal on the ground that paragraph 1 of the Order to Show Cause of this Commission is insufficient.
7. It is found that due notice has been given to all of the parties hereto within the meaning of §1-21i(b), G.S.
8. Next, the respondent board moved to dismiss the complainant's appeal on the ground that the Commission is without jurisdiction pursuant to §1-21i, G.S. and §1-21j, G.S.
9. It is found that the Commission has jurisdiction over the matters alleged herein, pursuant to §1-21i, G.S. and §1-21j, G.S.

10. It is further found that the respondent board violated §1-18a(e)(1), G.S. by not holding the aforesaid discussion at an open meeting pursuant to the complainant's request.

11. The complainant claims relief by way of an order declaring void the respondent board's action in executive session.

12. The complainant also seeks the imposition of a fine penalty against the chairman of the respondent board upon a finding by this Commission of a wilful denial of his §1-18a right, pursuant to §1-21i(d), G.S.

13. The record shows that the chairman of the respondent board was unsure of the legal issues surrounding the complainant's claim of right under §1-18a(e)(1), G.S.

14. The chairman of the respondent board promptly referred the above question to counsel.

15. No discussion and no action was taken on the motion to censure in executive session other than to table it pending receipt of a legal opinion pursuant to the above referral.

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

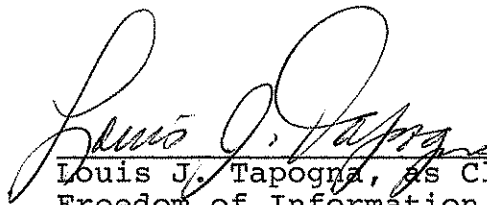
1. Henceforth, the respondent board shall not discuss a §1-18a(e)(1) personnel matter in executive session subsequent to such individual's requesting that discussion be held at an open meeting.



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Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
March 23, 1977.



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