

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by) Journal Inquirer, Complainant)	Report of Hearing Officer
))	Docket #FIC77-46
))	June 29, 1977
Town of South Windsor and the) Board of Tax Review of the Town) of South Windsor, Respondents)	

The above captioned matter was heard as a contested case on June 13, 1977, at which time the complainant and the respondents appeared and presented testimony and argument on the complaint.

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

1. The respondent board is a public agency as defined by §1-18a(a), G.S.
2. By letter of complaint filed with the Commission on February 23, 1977, the complainant alleged that the respondent board met in executive session on February 17, 1977 without first taking a vote to proceed into executive session at a public meeting and without first publicly stating its purpose for such executive session, in violation of the Freedom of Information Act.
3. A quorum of the respondent board gathered on February 17, 1977 to consider matters relating to the tax liability of certain property situated in the respondent town arising out of the town assessor's evaluation of the same for tax purposes.
4. It is found that the aforesaid gathering of the respondent board was a meeting of a public agency within the meaning of §1-18a(b), G.S.
5. During the course of such meeting a reporter of the complainant was excluded without the respondent board having first voted to hold an executive session and without it first citing as a reason one of the purposes enumerated under §1-18a (e), G.S. as required by §1-21, G.S.
6. It is further found that the complainant was wrongfully denied the right to attend the aforesaid meeting of the respondent board in violation of §1-21, G.S.

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

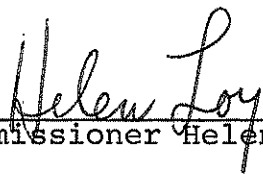
1. Henceforth, the respondent board may hold an executive session only upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting.

2. Henceforth, after such vote and before proceeding into executive session, the respondent board shall state its reasons for such executive session to the members of the public present.

3. Henceforth, the reasons stated publicly for its executive session as aforesaid shall be strictly limited to those purposes defined under §1-18a(e), G.S.

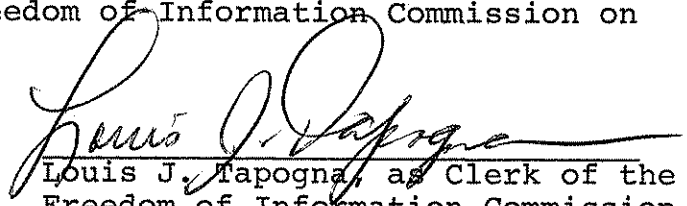
4. The Commission notes that those discussions of the respondent board which relate to certain kinds of documents voluntarily supplied to it by a taxpayer for its consideration in determining the amount of tax liability may very well, under the proper circumstances, be a valid basis for holding an executive session under §1-19(b)(4), G.S., as provided for in §1-18a(e)(5), G.S., as constituting commercial or financial information given in confidence, not required by law and obtained from the public, or under some other provision of §1-18a(e), G.S.

The respondent board is cautioned, however, that it can not exclude the public from its discussions on the contingency that something may arise in the course of a discussion that falls within the meaning of the purposes defined under §1-18a(e), G.S. Only when such matters actually do arise may an agency properly hold an executive session. Conversely, once the discussion in an executive session called for a proper purpose leaves the scope of that purpose, §1-21, G.S. requires that the executive session be adjourned and the meeting be once again opened to the public.



Commissioner Helen Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission on
July 13, 1977.



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