

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Thomas Ormsby,

Complainant

Final Decision

against

Docket #FIC79-171

City and Town of New Britain;
and Board of Police Commissioners
of the City and Town of New
Britain,

January 11, 1980

Respondents

The above captioned matter was heard as a contested case on October 25, 1979 and on November 5, 1979. Said matter was consolidated for hearing with FIC docket #79-177, entitled In the Matter of a Complaint by George Sahadi against the City and Town of New Britain and the Board of Police Commissioners of the City and Town of New Britain, on the basis that both matters appeared to raise substantially the same questions of fact and law.

The parties hereto, at the commencement of the hearing held on October 25, 1979 agreed that the combined evidence in both of the above cases was to be treated in its entirety as the evidence of each case severally.

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

1. The respondents are public agencies as defined by Conn. Gen. Stats. §1-18a(a).
2. By letter filed with the Commission on August 8, 1979, the complainant alleged that the notice to a special meeting of the board, held on August 3, 1979, was defective for failure to state the business to be transacted at such meeting.
3. By same letter, the complainant further alleged that he was improperly denied the right to attend a discussion by board members during a board recess held at its meeting of August 3, 1979.
4. The notice of the board's meeting of August 3, 1979 did not specify the business to be transacted at such meeting.

5. The complainant was given personal notice of such meeting. This included notice that the matter of his suspension from the classified service of the City of New Britain was to be discussed.

6. During the course of a recess called by the board at the meeting in question, a quorum of the board's members discussed a certain matter of procedure. The procedural matter concerned the question of whether a motion made by a member of the board was required to be seconded by another member of the board prior to being put to a vote, under the board's rules of order.

7. Neither the merits of the unseconded motion, nor any other matters of substance taken up at the meeting in question, was discussed by members of the board during the aforesaid discussion in recess.

8. The aforesaid question of procedure is a matter within the supervision, control, jurisdiction or advisory power of the board.

9. It is found that the board's notice of meeting of August 3, 1979 was defective under Conn. Gen. Stats. §1-21 for failure to specify the business to be transacted on August 3, 1979.

10. It is further found that the aforesaid discussion in recess constituted a meeting of a public agency within the meaning of Conn. Gen. Stats. §1-18a(b).

11. It is also found that the complainant, by virtue of such discussion being held in recess, was denied the right to attend a meeting of a public agency pursuant to Conn. Gen. Stats. §1-21.

12. The complainant seeks to have this Commission declare any or all actions taken by the board on August 3, 1979, particularly its action suspending the complainant from the classified service, null and void.

13. It is inappropriate for the Commission to declare the board's actions of August 3, 1979 null and void, for reason of the aforesaid denials, because:

a) the complainant was given personal notice of the time, date and business to be discussed at the meeting in question;

b) a matter of procedure was the only matter within the board's authority that was discussed during the board's illegal meeting in recess.

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

1. Henceforth, the board's notice to special meetings shall specify the time and place of the special meeting and the business to be transacted, in accordance with Conn. Gen. Stats. §1-21.

2. Henceforth, all matters within the board's authority, including matters of procedure under the board's rules of order, shall be discussed at meetings open to the public, except executive sessions called for reasons defined as proper under Conn. Gen. Stats. §1-18a(e).

3. It should be noted that the board attempted to substantially comply with the spirit of the open meeting requirements of the Freedom of Information Law with respect to its meeting of August 3, 1979. Such compliance is to be heartily commended. Further, the denials that were found in paragraphs 9-11 of the Findings above must be viewed in light of the board's substantial compliance in this case.

As approved by order of the
Freedom of Information Commission
at its regular meeting of January 9,
1980.



Leslie Ann McGuire
Clerk of the Commission