

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
David Paletsky,

Complainant,

against

The City and Town of Morris; Board of
Assessors of the City and Town of
Morris; and Board of Selectmen of
the City and Town of Morris,

Respondents,

FINAL DECISION

Docket #FIC81-23

September 2, 1981

The above captioned matter was heard as a contested case on June 5, 1981, at which time the parties appeared and presented evidence and argument on the complaint.

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

1. The respondents are a public agency within the meaning of § 1-18a(a), G.S.
2. On January 14, 1981, all the assessors gathered to discuss whether or not to implement a penalty of \$100 per day against the firm which was carrying out its contract for reevaluation.
3. Two selectmen were present at the gathering.
4. The complainant attended at the invitation of the first selectmen so that the complainant could present a petition to the assessors.
5. One of the assessors asked the others to hold an executive session and the other nodded.
6. The complainant left at the request of the same assessor.
7. No notice for the meeting was posted.
8. No minutes of the meeting were filed.
9. On February 2, 1981, the complainant filed a complaint alleging that the respondent board had held an improper meeting and that he had been improperly excluded from the meeting.
10. During the meeting the respondent assessors discussed their course of action with respect to the contract for reevaluation which was not being completed within the time limits set forth in the contract.

11. The respondent board oversees the contract with the reevaluation firm.

12. Section 1-18a(b), G.S. provides in relevant part:

"Meeting" means . . . any convening of a quorum of a multi-member public agency . . . to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power.

13. It is found that the gathering of the respondent board which occurred on January 14, 1981, was a meeting within the meaning of § 1-18a(b), G.S., and that under § 1-21, G.S., the meeting was required to be open to the public.

14. It is further found that there was no vote of the respondent board to go into executive session and that the executive session was not held for a proper purpose under § 1-18a(e), G.S.

15. It is concluded therefore that the complainant was unlawfully excluded from the meeting on January 14, 1981.


16. It is further concluded that the respondent board failed to comply with the requirements of § 1-21, G.S., concerning notice and minutes of public meetings.

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

1. The respondent shall henceforth comply with the requirements of the Freedom of Information Act with respect to notice of meetings, minutes and the attendance of the public.

2. The Commission calls the respondent's attention to the language of § 1-21i(d) which provides that an official directly responsible for a denial of rights under the Freedom of Information Act may be fined up to \$500.

Adopted by order of the Freedom of Information Commission at its special meeting of August 24, 1981.



Mary Jo Jolicœur
Acting Clerk of the Commission