

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Richard Laviero,

FINAL DECISION

Complainant

Docket #FIC83-4

against

August 4, 1983

Bristol Housing Authority

Respondent

The above captioned matter was heard as a contested case on April 18, 1983, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.

2. On January 12, 1983 the respondent held an annual meeting at which it convened in executive session.

3. By letter of complaint filed with the Commission on January 17, 1983, the complainant alleged that the January 12, 1983 executive session was held to discuss how each commissioner would vote in the election of the chairman and vice-chairman, and that such was a violation of §1-18a(e)(1), G.S.

4. The complainant further alleged that no minutes of the executive session were taken, in violation of §1-21g, G.S., and asked that any actions taken as a result of the meeting be declared null and void.

5. It is found that the January 12, 1983 executive session was convened to allow a new commission member to acquaint himself with the qualifications of the candidates for the positions of chairman and vice-chairman.

6. It is therefore found that the January 12, 1983 executive session was convened for a proper purpose within the meaning of §1-18a(e)(1), G.S.

7. It is found, however, that no reason for the executive session was stated by the respondent at the time of voting to convene in executive session, in violation of §1-21, G.S.

8. It is further found that while convened in executive session the respondent briefly discussed the political ramifications of the upcoming choice of a chairman and vice-chairman.

9. It is found that discussion of the political ramifications of the choice of the chairman and vice-chairman was not a proper purpose for an executive session, and that the respondent violated §1-21, G.S. to the extent that the executive session included such discussion.


10. It is found that the minutes of the January 12, 1983 meeting accurately reflect the presence of the five commissioners in attendance at the executive session, as required by §1-21g, G.S., and indicate that no votes were taken in executive session.

11. It is therefore found that the respondent did not violate §§1-21 or 1-21g, G.S. with respect to the taking of minutes of the January 12, 1983 executive session.

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

1. Henceforth the respondent shall act in strict compliance with the requirements of §§1-21 and 1-18a(e)(1)-(5), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of July 27, 1983.


Mary Jo Jolicœur
Clerk of the Commission