

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Marc Gunther, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-173
)	
Town of Manchester and the)	October 4, 1977
Manchester Human Relations)	
Commission, Respondents)	
)	

The above captioned matter was heard as a contested case on September 20, 1977, at which time the complainant and the respondent commission appeared and presented testimony and arguments on the complaint.

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

1. The respondent commission is a public agency within the meaning of §1-18a(a), G.S.
2. On July 19, 1977 and on August 16, 1977 the respondent commission held meetings at which the human rights complaint of one Flanagan was discussed.
3. Complainant contends that the notice of the meeting held on July 19, 1977 was not in keeping with the Act. However, the Commission does not have jurisdiction over this portion of the complaint, because it has been raised more than 30 days beyond the occurrence of the meeting.
4. At each of the meetings the respondent commission through unanimous vote went into executive session. At the first meeting evidence was taken and at the second meeting discussion was held relative to a proposed settlement of the Flanagan complaint.
5. Tapes were kept of these meetings.
6. On August 18, 1977, the complainant sought the tapes of these meetings. Further, the complainant contended that the respondent was in executive session improperly.
7. By a letter dated August 23, 1977 the respondent refused the requests of the complainant.
8. The complainant appealed to the Commission on August 24, 1977.

9. Since tapes were kept of the executive sessions, they are public documents and must be made available. Under §1-19(a), G.S., if the respondent chooses to keep minutes at an executive session, the respondent has created public records which must be disclosed.

10. Executive sessions were improperly called here. These sessions involved primarily the testimony concerning the human rights complaint. No preliminary draft or note was yet in existence. Neither did the discussion center on "personnel or medical and similar files." (emphasis added), §§1-19(b)(1) and 1-19(b)(2), G.S.

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


1. The tapes in question must be disclosed.
2. The respondent is cautioned to observe the provisions of the Act including those relating to listing in the minutes all persons appearing at an executive session, §1-21g, G.S.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on
October 12, 1977.



Charlene G. Arnold
Clerk of the Commission