

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Sherman Beinhorn and George Finch, ) Revised Report of Hearing  
Complainants ) Officer  
  
against ) Docket #FIC77-238  
  
The State of Connecticut; and the ) March 23, 1978  
Board of Labor Relations of the )  
State of Connecticut, )  
Respondents )

The above captioned matter was heard as a contested case on January 19, 1978, at which time the complainants and the respondent board appeared, stipulated to certain facts, and presented testimony, exhibits 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. On December 19, 1977, an agent for the respondent board held an informal conference with the interested parties to a complaint filed with the respondent board under §§7-468 and 7-470, G.S.
3. At that time, the complainants were told that they could not be present at the aforesaid conference.
4. By letter filed with the Commission on December 23, 1977, the complainants asserted that such denial constituted a violation of their right to attend a "public meeting" in violation of the Freedom of Information Act.
5. After the filing of charges with the respondent board, an agent for the board is permitted by regulation to hold "informal conferences with the interested parties and ascertain the facts."
6. The agent functions in such conferences solely as a member of the staff of the respondent board for the mediation and informal disposition of complaints and is not a separately constituted public agency under §1-18a(a), G.S., while acting in that capacity.
7. No member of the respondent board was present at the conference in question.


8. Such conference is therefore found not to constitute a meeting of a public agency within the meaning of §1-18a(b), G.S.

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


1. The complaint is hereby dismissed.

2. Nothing herein shall be construed as commenting upon the merits of the claim, raised by the respondents, that the entire discussion held at the aforesaid agent's conference constituted strategy or negotiations with respect to collective bargaining.

3. Further, nothing in this decision shall be construed as commenting upon whether the agent for the respondent board may be a public agency in a context other than the one presented herein.

  
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Commissioner Helen M. Loy  
as Hearing Officer

Approved by order of the Freedom of Information Commission on April 12, 1978.

  
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Charlene G. Arnold  
Clerk of the Commission