

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Thomas J. Laufer,  
Complainant

Final Decision

against

Docket #FIC78-135

Town of East Windsor; the Town  
Clerk of the Town of East  
Windsor; and the Board of  
Police Commissioners of the  
Town of East Windsor,  
Respondents

October 25, 1978

The above captioned matter was heard as a contested case on August 4, 1978 at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. At a meeting of the respondent board on May 16, 1978 the respondent board held a discussion of personnel matters in executive session, and after the executive session it voted to eliminate the complainant's position as lieutenant.

3. On June 30, 1978 the complainant made an oral request to the respondent town clerk for all executive session minutes of the respondent board.

4. On June 30, July 5, and July 6, 1978, the complainant was denied his request for access to the minutes of the executive sessions of the respondent board.

5. By complaint filed with this Commission on July 7, 1978 the complainant alleged that his rights of access to public records had been denied by the refusal of the respondent board to provide him with access to the minutes of its executive session.

6. No minutes of executive sessions of the respondent board have been filed with the respondent town clerk since May 9, 1978.

7. The respondent board claimed that the executive session minutes are exempt from disclosure under §1-18a(e)(5) and §1-19(b), G.S. because they contain material which is exempt from disclosure such as personnel or medical files, records of law enforcement agencies not otherwise available to the public, records as to strategy and negotiation with respect to pending claims and litigation, test questions, scoring keys and other examination data used to administer licensing examinations, and strategy with respect to collective bargaining.

8. The respondent board further claimed that it had no duty under the Freedom of Information Act to provide minutes of its executive sessions so long as no action was taken at the executive session.

9. The respondent board did not present evidence with respect to the contents of the minutes.

10. §1-19(a), G.S. requires public agencies to keep and maintain a record of the proceedings of meetings.

11. §1-21, G.S. requires that minutes of the meeting of public agencies be filed within seven days of the session to which they refer, and that the votes of public agencies be made available within forty-eight hours of the meeting to which they refer.

12. §1-21, G.S. further requires that a motion to go into executive session be sustained by the affirmative votes of two-thirds of the members present.

13. §1-21g, G.S. requires that the attendance at an executive session be limited and "that the minutes of such executive session shall disclose all persons in attendance."

14. It is found that the respondent board is required to keep minutes of its executive session.

15. It is further found that while §1-18a(e)(5), G.S. sets forth the proper purposes for an executive session, it does not exempt the minutes of such executive sessions from disclosure.

16. It is found that the respondents failed to prove that the minutes of the executive sessions which were requested are exempt from disclosure under §1-19(b), G.S.

17. It is concluded that the executive session minutes requested by the complainant are subject to disclosure under §1-19(a), G.S.

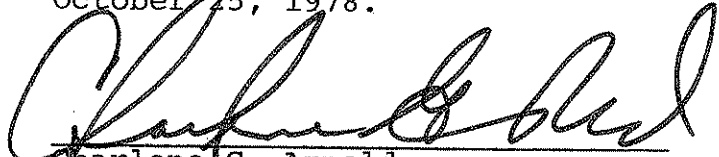
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondent board shall within seven days of receipt of this notice of Final Decision provide the complainant with access to and/or copies of the minutes of its executive sessions, including the minutes of its executive session on May 16, 1978 if such minutes exist.

2. Past decisions and advisory opinions of the Commission have set forth the minimal requirements for minutes of executive session. The minutes should show the names of the persons present

and motions, and the votes on the motions. The minutes of the meeting of which the executive session is a part should reflect the motion to go into executive session, the purpose for the executive session, and the vote on the motion to go into executive session.

Approved by order of the Freedom  
of Information Commission on  
October 25, 1978.

A handwritten signature in cursive script, appearing to read 'Charlene G. Arnold', written over a horizontal line.

Charlene G. Arnold  
Clerk of the Commission