FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
William J. Galvin,

Complainant

against

Regional District #17
Board of Education,

Respondent

Report of Hearing Officer

Docket #FIC 80-9

June 25, 1980

The above captioned matter was heard as a contested case on June 3, 1980, at which time the complainant and respondent 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 is a public agency as defined by § 1-18a(a), G.S.

2. By two letters of complaint dated January 15, 1980 and received by the Commission on January 16, 1980, the complainant alleged, inter alia, that the respondent violated the Freedom of Information Act, by failing to provide him with complete minutes of the respondent's January 7, 1980 special meeting, and by excluding him and his wife from a portion of that meeting.

3. At the Commission hearing, the complainant withdrew all grounds of complaint stated in his two letters of January 15, 1980, except for the claims described in paragraph two above.

4. The complainant also withdrew his claim regarding the minutes of the respondent's January 7, 1980 meeting pursuant to a stipulation between the parties.

5. That stipulation provides that, at the complainant's option, either the respondent will issue the complainant an authorization to deal directly with the respondent's stenographer for the purpose of obtaining transcriptions of all or any portion of the January 7, 1980 meeting, or respondent will obtain whatever transcriptions complainant requires and bill complainant for such transcriptions in accordance with the provisions of § 1-15, G.S. It is further stipulated that complainant agrees to pay the cost of such transcriptions and that the parties are aware that it may take several weeks to obtain the transcripts.

6. Therefore, the only contested claim remaining is the complainant's contention that the respondent improperly excluded him and his wife from portions of its January 7, 1980 special meeting.

7. The complainant and his wife were present at 7:35 p.m. on January 7, 1980 when the meeting was called to order.

8. At 7:40 p.m. the respondent voted to convene in executive session and so convened from 7:40 p.m. until 11:30 p.m., pursuant to § 1-18a(e)(1), G.S.

9. In the course of that executive session, the complainant and his wife testified before the respondent.

10. After the completion of their testimony, the respondent excluded the complainant and his wife from the remainder of the executive session in accordance with § 1-21g, G.S.

11. Because of ambiguous statements by members of the respondent, the complainant and his wife were left with the impression that they had been excluded from the remainder of the meeting, not merely from the remainder of the executive session, and that the board would take no further action in public on January 7, 1980.

12. In accordance with the impression described in the preceding paragraph, the complainant and his wife left the meeting while it was in executive session.

13. At approximately 11:30 p.m. the respondent completed its executive session and reconvened the public portion of its meeting until 11:40 p.m.

14. The complainant and his wife were absent from the 11:30 to 11:40 p.m. public portion of the January 7, 1980 meeting of the respondent board.

15. Between 11:30 and 11:40 p.m., while the complainant and his wife were absent, the respondent voted on whether to take action on the matter discussed in executive session.

16. The parties before this Commission introduced no evidence that the respondent board intentionally created the misunderstanding described in paragraph above.

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. The respondent is advised that it should try to avoid misunderstandings such as those which led to this complaint.

Donald W. Friedman
Commissioner Donald Friedman
as Hearing Officer

Approved by order of the Freedom of Information Commission on July 21, 1980.

Leslie Ann McGuire
Clerk of the Commission