FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Karen Wenc and Philip Hendel,
Complainants

against

City and Town of New London;
and New London Redevelopment
Agency,
Respondents

Report of Hearing Officer

Docket #FIC80-82

May 20, 1980

The above captioned matter was heard as a contested case on May 13, 1980, at which time the complainants and the respondents 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 respondents are public agencies as defined by §1-18a(a), G.S.

2. On February 27, 1980, the respondent agency held a special meeting at which it convened in executive session on two separate occasions before voting in public session on accepting one of two development proposals for the sale of certain property offered by the respondent agency.

3. By letter of complaint filed with the Commission on March 28, 1980, the complainants alleged that the respondent board violated the Freedom of Information Act in that it discussed at a session closed to the public the relative merits of the two competing development proposals.

4. The complainants claim that consideration of the merits of these proposals must have occurred during a portion of the second executive session on February 27, 1980, or at some prior meeting that was not open to the public because there was no public discussion of the issue immediately preceeding the respondent agency's vote of acceptance.

5. The complainants do not allege or contend that either executive session on February 27, 1980 was convened improperly under the Freedom of Information Act.

6. It is found that the complainants failed to prove any violation of the Freedom of Information Act specifically alleged in their complaint or claimed at the hearing on this matter.

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 propriety or legality of the respondent agency's executive sessions held on February 27, 1980, since the propriety or legality of such sessions was not placed in issue by the complainants.

Helen M. Loy

Commissioner Helen M. Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission on July 9, 1980.

Leslie A. McGuire

Leslie Ann McGuire
Clerk of the Commission