

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
John Filush,

FINAL DECISION

Complainant

Docket #FIC84-258

against

July 22, 1985

Weston Board of Police Commissioners
of the Town of Weston,

Respondent

The above captioned matter was heard as a contested case on May 3, 1985 in conjunction with FIC 84-259 John Filush vs. Weston Board of Police Commissioners, at which time the complainant and the respondent appeared 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 within the meaning of §1-18a(a), G.S.

2. By letter of complaint filed with the Commission on December 24, 1984 the complainant alleged that on or about November 25, 1984 the respondent held a meeting in executive session, without a proper purpose for the executive session, without notice or agenda, and that the respondent failed to provide complete minutes of the meeting.

3. It is found that on November 25, 1984 the respondent held a special meeting during which it convened in executive session "to discuss a personnel matter." Following the executive session the respondent voted to conduct a series of meetings to gather information for the purpose of reviewing and possibly modifying its policy for dealing with complaints from the public.

4. The only notice of the November 25, 1984 meeting was a notation on a large calendar in the office of the town clerk under the date of November 25 which read "Police Comm. Exec. Sess. 7:30 p.m."

5. It is found that notice of the November 25, 1984 meeting failed to specify the business to be conducted at such meeting, in violation of §1-21(a), G.S.

6. It is found that notice of the November 25, 1984 meeting was posted during the afternoon of Wednesday, November 21, 1984. The town clerk's office closed for the Thanksgiving weekend on

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
John Filush,

Complainant(s)

NOTICE OF FINAL DECISION

vs.

DOCKET #FIC 84-258

July 25, 1985

Weston Board of Police
Commissioners of the
Town of Weston,

Respondent(s)

TO: John Filush for the complainant; Walter Flynn, Esq. for
the respondent.

This will serve as notice of the final decision of the
Freedom of Information Commission in the above matter, as
provided by Section 4-183(b), G.S. At its meeting of July 22,
1985, the Commission adopted the proposed finding and order of
the hearing officer as the finding and order of the Freedom of
Information Commission.

By order of the Freedom
of Information Commission


Mary Jo Jolicoeur
Clerk of the Commission

Wednesday and did not reopen until the following Monday, November 26, 1984.

7. The respondent claims that the November 25, 1984 meeting was held more than twenty four hours after the posting of notice of the meeting and that the notice was therefore timely.

8. §1-21(b), G.S. provides that in determining the time within which or by when notice of a meeting is required by §1-21(a), G.S. to be given, posted or filed, Saturdays, Sundays, legal holidays and any day on which the office of the town clerk is closed shall be excluded.

9. It is found that notice of the November 25, 1984 meeting of the respondent was not provided twenty four hours in advance as required by §§1-21(a) and 1-21(b), G.S.

10. It is found that the respondent's discussion in executive session on November 25, 1984 was prompted by a letter to the editor of a local paper alleging mistreatment of youth by Weston police officers.

11. The respondent claims that while convened in executive session on November 25, 1984 it did not discuss individual police officers, rather, it reviewed the allegations and considered its options in general terms, taking no votes other than the vote to conduct information-gathering meetings.

12. The respondent failed to prove that a discussion of how the respondent might effectively respond to complaints from the public, without specifying individual officers, was a proper purpose for an executive session within the meaning of §1-18a(e), G.S.

13. The complainant's claim that the respondent failed to provide "complete" minutes of the November 25, 1984 meeting is apparently based upon the absence from the minutes of any description of what transpired during the executive session.

14. There being no requirement in the Freedom of Information Act that an agency record the type of information sought by the complainant, the complainant's claim with respect to the minutes of the November 25, 1984 meeting is found to be without merit.

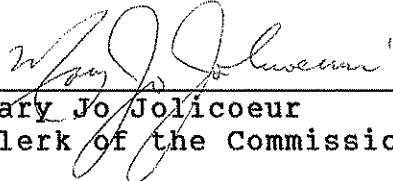
15. Although not raised in the complainant's complaint, the Commission notes that the respondent's motion to convene in executive session "to discuss a personnel matter" would not, even if the session had been for a proper purpose, have been sufficiently specific to identify a proper purpose for an executive session.

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

1. Henceforth the respondent shall act in strict compliance with the requirements of §§1-21(a) and 1-21(b), G.S. regarding the posting of timely and complete notices of special meetings.

2. Henceforth the respondent shall convene in executive session only for one or more of the proper purposes listed at §1-18a(e), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of July 22, 1985.



Mary Jo Jolicoeur
Clerk of the Commission