

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Angelo Marino,)
Complainant) Report of Hearing Officer
against) Docket #FIC78-117
Town of Milford; and the)
Milford Board of Police) September 15, 1978
Commissioners,)
Respondents)

The above captioned matter was heard as a contested case on August 28, 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. By complaint filed with the Commission June 20, 1978, the complainant alleged a violation of his rights under §1-18a(e)(1), G.S. occurred when, on June 12, 1978, the respondent board held part of a hearing which pertained to the complainant's job performance in executive session after complainant requested that the entire hearing be open to the public.

3. The relief claimed by the complainant is that a vote taken immediately after the executive session at the aforesaid meeting which upheld a reprimand by the police chief be declared null and void, and that references to the aforesaid vote in the complainant's personnel records and the records of the Milford police department be erased.

4. The respondent board claimed the executive session was proper under §1-18a(e)(1), G.S. because it was a discussion of personnel policies.

5. The complainant made a request to the chairman of the respondent board prior to the hearing that the respondent board hold the hearing on the reprimand in public.

6. The attorney for the complainant made a further request at the June 12, 1978 meeting, prior to the vote to go into executive session, that the hearing be public.

7. During the executive session, the respondent board discussed personnel policies which pertained to the chief's reprimand of the complainant.

8. It is found that discussion of personnel policies is not a proper purpose for an executive session under §1-18a(e), G.S.

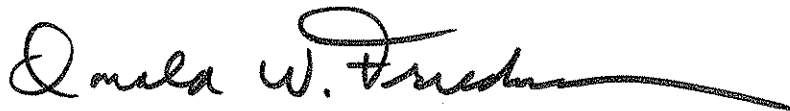
9. It is further found that the executive session was improper because the discussion of personnel policies provided the basis for the decision to sustain the police chief's reprimand of the complainant and because the complainant had requested that the discussion be held in public.

10. It is concluded that the action of the respondent board deprived the complainant of his rights under §1-18a(e), G.S. and also §1-21, G.S., which provides that meetings of public agencies shall be public, except for executive sessions as defined by §1-18a(e), G.S.

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

1. The vote of the respondent board on June 12, 1978, whereupon it upheld the police chief's reprimand of the complainant, is hereby declared null and void.

2. The respondent board shall cause to be expunged from the records of the Milford police department and from the personnel file of the complainant all references to the aforesaid vote on June 12, 1978 to sustain the reprimand.



Commissioner Donald Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on October 11, 1978.



Charlene G. Arnold
Clerk of the Commission