

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Jonathan Lender; James F. Smith, Jr.; and Larry Williams, Complainants)	Report of Hearing Officer
)	Docket #FIC78-1
against)	February 22, 1978
)	
State of Connecticut; and the Commission on Special Revenue of the State of Connecticut, Respondents)	

The above captioned matter was heard as a contested case on January 30, 1978, at which time the complainants and the respondent commission 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 commission is a public agency as defined by §1-18a(a), G.S.
2. At its meeting held on January 4, 1978, the respondent commission proceeded into executive session to discuss pending claims and litigation.
3. By letters filed on January 4 and 5, 1978, the complainants alleged that the aforesaid executive session did not relate to pending claims and litigation within the meaning of §1-18a(e)(2), G.S.
4. Some time prior to January 4, 1978, the respondent commission required the holder of a certain provisional license to meet a condition of license.
5. The respondent commission discussed in its January 4, 1978 executive session whether a time extension for meeting such condition should be given to such licensee.
6. The aforesaid executive session also included a discussion of the legal rights of such licensee prior to the respondent commission's acting to suspend or revoke such license.
7. The aforesaid discussion did not relate to a law suit filed in court to which the respondent commission was a party.

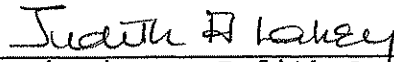
8. Such discussion is found not to constitute strategy or negotiations with respect to pending claims and litigation within the meaning of §1-18a(e)(2), G.S.

9. It is concluded that the complainants were wrongfully denied their right to attend such discussion at an open meeting, as required by §1-21, G.S.

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

1. Henceforth, the meetings of the respondent commission shall be open to the public, except executive sessions as defined in §1-18a(e), G.S.

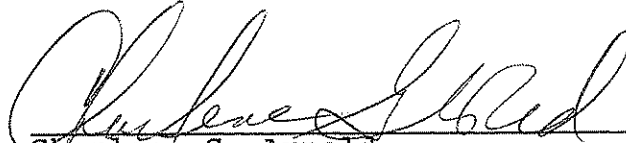
2. The respondent commission is warned that it may not deliberate on official business in executive session simply because it anticipates a court action based upon the outcome. Such a construction of §1-18a(e)(2), G.S. would deny the public the right to attend the most crucial aspects relating to the conduct of its business, in clear contradiction to the express requirements of the Freedom of Information Act.



Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on
March 8, 1978.



Charlene G. Arnold
Clerk of the Commission