

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Judd B. Everhart, (The Associated  
Press),

Report of Hearing Officer

Docket #FIC81-187

Complainant

July 1, 1982

against

State of Connecticut Public Safety  
Committee,

Respondent

The above captioned matter was heard as a contested case on April 23, 1981 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 Public Safety Committee is a public agency within the meaning of §1-18a(a), G.S.

2. On October 22, 1981 a subcommittee of the respondent held a public hearing on sports gambling, at the conclusion of which it convened in executive session.

3. By letter of complaint filed with the Commission on November 16, 1981, the complainants alleged that no vote had been taken to enter the October 22, 1981 executive session, that no proper purpose had been stated for convening in executive session, and that no minutes of the October 22, 1981 meeting had been filed, in violation of the Freedom of Information Act.

4. The respondent claims that the subcommittee which met on October 22, 1981 was not subject to the requirements of the Freedom of Information Act, since its membership did not constitute a quorum of the respondent.

5. It is found that the October 22, 1981 gathering of the subcommittee of the respondent was a meeting of a public agency within the meaning of §1-18a(b), G.S., because it was a proceeding of a public agency to discuss a matter over which the public agency has supervision, control, jurisdiction or advisory power.

6. The respondent claims that members of the subcommittee of the respondent had informally agreed, prior to the October 22, 1981 meeting to meet on that date to discuss certain aspects of sports betting in executive session.

7. It is found, however, that the subcommittee of the respondent failed to vote at the October 22, 1981 public meeting, or at any other time, to convene in executive session on October 22, 1981, in violation of §1-21, G.S.

8. It is further found that the only purpose stated for convening in executive session was "the discussion of confidential matters".

9. It is found that §1-18a(e), G.S., which is the exclusive statement of the purposes for which a public agency may convene in executive session, includes no provision authorizing executive sessions for the purpose of discussing "confidential matters."

10. It is therefore concluded that no proper purpose for convening in executive session, as such purposes are defined by §1-18a(e)(1)-(5), G.S., was stated at the October 22, 1981 meeting, in violation of §1-21, G.S.

11. The respondent contends that its subcommittee properly convened in executive session pursuant to §1-18a(e)(5), G.S., since discussion of sports betting might result in the discussion of records exempted from disclosure by §1-19(b)(3)(A), (B) and (C).

12. It is found that to the extent that discussion at the October 22, 1981 executive session involved records exempted from disclosure by §1-19(b)(3), such discussion was properly held in executive session within the meaning of §1-18a(e)(5), G.S.

13. It is found, however, that to the extent that the October 22, 1981 executive session did not involve discussion of records exempted from disclosure by §1-19(b), G.S., such executive session was held in violation of §§1-18a(e) and 1-21, G.S.


14. It is found that no minutes of the October 22, 1981 meeting were filed, in violation of §1-21 and 1-21g, G.S.

15. At hearing, the complainants asked that a fine be imposed pursuant to §1-21i(b), G.S.

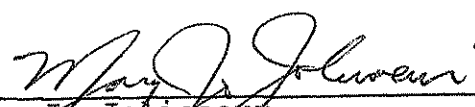
16. The Commission believes that under the circumstances it is inappropriate to impose a fine and therefore the complainants' request is denied.

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 convene in executive session in strict compliance with the requirements of §§1-18a(e), 1-21, and 1-21g.

  
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Commissioner Robert Leoney  
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of July 28, 1982.

  
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Mary Jo Jolicœur  
Clerk of the Commission