

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Paula Corrideo, William Doyle,
Diane Summa, Robert Hurley and
George Kozlow,

Report of Hearing Officer

Complainants

Docket #FIC81-200

against

November 23, 1982

City of Waterbury; Board of
Education of the City of
Waterbury,

Respondents

The above captioned matter was heard as a contested case on May 4, 1982, at which time the complainants and the respondent board appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. On July 14, 1982 the proposed report of the hearing officer in this matter was reviewed by the full Commission at its regular meeting. At that time it was decided by the Commission to order a rehearing of the matter which was subsequently held on November 9, 1982. On November 9, 1982 the complainants and the respondent board once again 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 board is a public agency as defined by §1-18a(a), G.S.
2. At all times pertinent to this complaint, the complainants were teachers in the Waterbury School System.
3. On November 16, 1981, the respondent board met in executive session to discuss the complainants' requests for sabbatical leaves.
4. By letter filed with the Commission on December 15, 1981, the complainants alleged that the respondent board had failed to notify them that their requests for sabbatical leaves would be discussed at its November 16, 1981 meeting, in violation of §1-18a(e)(1), G.S.
5. It is found that personal notice was not given to the complainants that their requests for sabbatical leaves would be discussed in executive session at the respondent board's November 16, 1981 meeting.
6. The respondent board claims that personal notice to the complainants that their requests for sabbatical leaves would be considered in executive session on November 16, 1981 is not required by §1-18a(e)(1), G.S.
7. The respondent board further claims that in an October 28, 1981 letter the attorney for the complainants, Mr. Cordilico, demanded of

counsel for the respondent board that the complainants' names be submitted to the respondent board for a final decision on sabbatical leaves, a copy of which letter was sent to the president of the complainants' union, Mr. Cronan.

8. It is found that action on the complainants' requests was taken at the next regular meeting of the respondent board following receipt of Mr. Cordilico's letter.

9. The respondent board claims that because of Mr. Cordilico's demand and because Mr. Cronan was aware of such demand, Mr. Cordilico and Mr. Cronan actively anticipated a meeting of the respondent board concerning the sabbatical issue and, therefore, had notice of same.

10. The respondent board further claims that Mr. Cordilico and Mr. Cronan were agents of the complainants and that because they were "on notice" that the matter of the sabbatical leaves would be taken up on November 16, 1981, such knowledge is imputed to the complainants.

11. The respondent board claims that notice to Mr. Cronan and Mr. Cordilico represented a meaningful opportunity for the complainants to choose through Mr. Cordilico or Mr. Cronan (who was present at the November 16, 1981 meeting) to choose the §1-18a(e)(1) open meeting option.

12. It is found, however, that the respondent board failed to prove by any credible evidence that the complainant's, Mr. Cordilico or Mr. Cronan received notice that the complainants' requests for sabbatical leaves would be discussed in executive session on November 16, 1982.

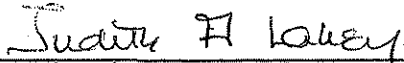
13. It is therefore concluded that the respondent board failed to provide the complainants with a meaningful opportunity to require that the November 16, 1981 discussion of their requests for sabbatical leaves be held in an open session.

14. It is therefore concluded that the respondent violated §§1-21, and 1-18a(e)(1), G.S. when it discussed the five complainants' requests for sabbatical leave in executive session on November 16, 1981 without having afforded them the opportunity to demand an open session.

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


1. Any actions taken in executive session by the respondent board at its November 16, 1981 meeting concerning the complainants' requests for sabbatical leave are hereby declared null and void.

2. Henceforth the respondent shall convene in executive session in strict compliance with the procedures set forth in §§1-21, and 1-18a(e), G.S., and only for one or more of the purposes set forth in §1-18a(e), G.S.



Commissioner Judith A. Lahey
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of December 22, 1982.



Mary Jo Jolicoeur
Clerk of the Commission