## FREEDOM OF INFORMATION COMMISSION OF THE STATE OF CONNECTICUT

against Docket #FIC77-7  Town of Cromwell and the Board of Education of the Town of Cromwell,)  Respondents  Docket #FIC77-7  February 17, 1977	In the Matter of a Complaint by Gerald F. Melito, Complainant	Report of Hearing Office
Education of the Town of Cromwell,)	against	Docket #FIC77-7
<b>)</b>	Education of the Town of Cromwell,	<b></b> • •

The above captioned matter was heard as a contested case on February 1, 1977, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

- 1. The respondents are public agencies as defined by \$1-18a(a), General Statutes.
- 2. By letters of complaint dated January 7, 1977 and January 8, 1977, respectively, and filed with this Commission on January 13, 1977, the complainant alleged that the respondent held a meeting on December 28, 1976 in which it voted to suspend him from his teaching position, without first notifying him, in violation of P.A. 75-342.
- 3. It is found that a quorum of the respondent board did meet in special executive session at approximately 7:05 p.m. on December 28, 1976, at which time it decided to suspend the complainant from his teaching position, with full pay and benefits.
- 4. The complainant did not receive notice that his suspension would be considered at the scheduled December 28, 1976 meeting held in executive session.
- 5. Since that part of the December 26, 1976 meeting which concerned the complainant was held in executive session, it is concluded that the respondent board had an obligation under \$1-18a(e)(1), General Statutes, to give personal notice to the complainant of such meeting.
- 6. It is further concluded that the decision to suspend the complainant without affording him the opportunity to require that the deliberations and vote thereon be held at an open meeting has prejudicied him thereby.

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

- 1. All votes of the respondent board at its December 28, 1976 meeting concerning suspension of the complainant are hereby declared null and void.
- 2. Henceforth, the respondent board shall provide more timely notice to employees when consideration of their suspension will be undertaken at future meetings of such board.

Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on March 9, 1977.

Louis J. Tapogna, as Clerk of the Freedom of Information Commission