PUBLIC MEETINGS - CONNECTICUT

Priore v. Haig

Supreme Court of Connecticut - September 7, 2022 - A.3d - 344 Conn. 636 - 2022 WL 4099434

Special permit applicant filed suit against neighbor for libel per se, libel per quod, slander per quod, and defamation, alleging neighbor's comments at planning and zoning commission meeting caused reputational damage to his standing in community and profession and falsely accused him of criminal misconduct and being untrustworthy.

The Superior Court granted neighbor's motion to dismiss on grounds that court lacked subject matter jurisdiction and denied applicant's motion to reargue. Applicant appealed, and the Appellate Court affirmed. Applicant petitioned for certification to appeal, which was granted.

The Supreme Court held that public hearing on special permit application was not "quasi-judicial," and thus statements neighbor made during hearing about permit applicant were not protected by an absolute privilege from applicant's defamation claim.

A proceeding may be "quasi-judicial," for purposes of absolute defamation privilege, when the body or entity conducting the proceeding has the discretion to apply the law to the facts, while additional factors that could assist in determining whether a proceeding is quasi-judicial in nature include whether the body has the power to exercise judgment and discretion, hear and determine or to ascertain facts and decide, make binding orders and judgments, affect the personal or property rights of private persons, examine witnesses and hear the litigation of the issues on a hearing, and enforce decisions or impose penalties; these factors are not exclusive, nor must all factors militate in favor of a determination that a proceeding is quasi-judicial in nature for a court to conclude that the proceeding is quasi-judicial.

Public hearing on special permit application before town planning and zoning commission was not "quasi-judicial," and thus statements neighbor made during hearing about permit applicant were not protected by an absolute privilege from applicant's defamation claim; while commission had discretion to apply the law to the facts of the application before it, and was empowered to make binding orders or judgments affecting the rights of private persons, the hearing lacked procedural safeguards, the commission had limited authority to reject evidence or otherwise limit what information was brought before it to ensure the reliability of the proceeding, and there was a lack of a public policy rationale for extending absolute immunity.

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