



7. The duties and powers of the respondent council under §45-11e, G.S. concerns the investigations of alleged acts of misconduct concerning judges of probate.

8. Title 45 provides that appeals may be taken by a judge of probate from a written recommendation resulting from the respondent council's investigation, directly to the Supreme Court of Connecticut.

9. Expenses of the respondent council are paid from the probate fund pursuant to §45-11i, G.S.

10. Title 45 is entitled Probate Courts and Procedure and Chapter 774 thereunder is entitled Organization Powers, Duties and General Provisions.

11. It is found that the respondent council is a judicial office, official or body of the court of probate.

12. §1-18a(a), G.S. includes within its definition a judicial office, official or body of the probate court, "... but only in respect to ... its administrative functions."

13. The sole remaining issue relative to the motion to dismiss above concerns whether or not the document in question relates to the respondent council's administrative function under §1-18a(a), G.S.

14. Although the issue of jurisdiction was raised by the respondents at the hearing herein, the question of function as related to the document requested was not argued.

15. This question may be addressed by the Commission at this time.

16. Under §45-11f, G.S., the respondent council may after an investigation hold a hearing concerning a complaint of alleged misconduct.

17. The report of the council's findings shall issue only after such hearing under §45-11g.

18. The report here-in-issue did in fact follow a public hearing.

19. §45-11f, G.S. further states: "Any judge of probate appearing before such hearing shall be entitled to counsel and have the right to cross-examine witnesses."

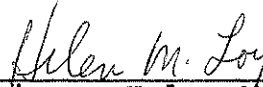
20. It is found that the report of the council's findings relates to its judicial function.

21. It is therefore concluded that the respondent council is not a public agency for purposes of the present appeal within the meaning of §1-18a, G.S. and this Commission is without jurisdiction concerning the same.

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

1. The complaint is hereby dismissed.

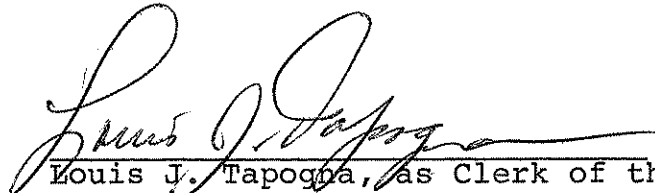
2. These findings and this order are specifically limited to the facts presented in this case and nothing herein shall be construed as holding that the respondent council could not be a public agency within the meaning of §1-18a, G.S. for purposes other than those stated in such findings.



\_\_\_\_\_  
Commissioner Helen M. Loy

as Hearing Officer

Denied by order of the Freedom of Information Commission on  
May 11, 1977.



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

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Frances Butler, Complainant	)	Report of Hearing Officer
	)	
against	)	Docket #FIC77-49
	)	
State of Connecticut; and Council on Probate Judicial Conduct, Respondents	)	June 13, 1977
	)	

The above captioned matter was heard as a contested case on April 19, 1977, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. On February 11, 1977, the complainant requested from the respondent council a copy of the council's recommendation relating to an investigation of an alleged act of misconduct of a certain judge of probate.

2. By letter of appeal filed herewith on February 25, 1977, the complainant alleged that she had been wrongfully denied a copy of such recommendation, for purposes of the Freedom of Information Act, by letter of denial from the respondent council dated February 15, 1977.

3. The respondent council moved to dismiss the present appeal contending that it is not a public agency within the meaning of §1-18a(a), G.S.

4. The council on probate judicial conduct was established by P.A. 75-592, as subsequently codified in Chapter 45 of the Connecticut General Statutes.

5. §45-11d, G.S. states that the council's membership shall consist of one judge of probate, one referee appointed by the chief justice from among the state referees who have retired from the supreme court or superior court, one attorney-at-law appointed by the governor and two persons, not attorneys-at-law, also appointed by the governor.

6. The duties and powers of the respondent council under §45-11e, G.S. concerns the investigations of alleged acts of misconduct concerning judges of probate.

7. Expenses of the respondent council are paid from the probate fund pursuant to §45-11i, G.S.

8. Under §45-11f, G.S., the respondent council may, after an investigation, hold a hearing concerning a complaint of alleged misconduct.

9. The report of the council's findings shall issue only after such hearing under §45-11g.

10. It is found that the respondent council is a public agency within the meaning of §1-18a(a), G.S.

11. The report here-in-issue concerns a report of the respondent council's findings as described above.

12. It is found that §45-11g, G.S., which governs such reports, is a statute of specific applicability superceding any of the general disclosure provisions of the Freedom of Information Act as codified in Chapter 3 of the General Statutes.

13. The complainant did not prove that the requested report concerns a recommendation of public censure, the only category of record under §45-11g, G.S. which is defined specifically in terms of a §1-19, G.S. public record.

14. It is therefore concluded that the complainant was not denied the right to inspect or copy records provided for under §1-19, G.S.

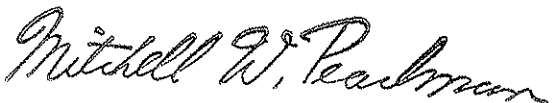
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The complaint is hereby dismissed.

  
\_\_\_\_\_  
Commissioner Helen M. Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
June 22, 1977.

  
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Mitchell W. Pearlman as Acting  
Clerk of the Commission