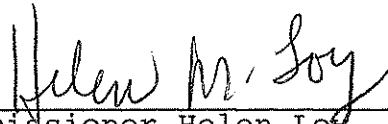


9. There are presently two actions before the courts of this state which raise the legal issue of whether or not the persons who are permitted to take such examination were also first required to meet the minimum qualifications for the position. Both the complainant and the respondents herein are parties to those actions.

10. The requested records here in issue are therefore exempt from disclosure under §1-19(b)(3), G.S., as affecting the rights of litigants under the laws of discovery of this state.

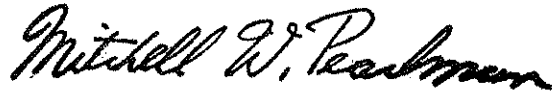
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The complaint is hereby dismissed because disclosure may affect the rights of litigants under the laws of discovery of this state.



Commissioner Helen Loy
Chairman

Approved by order of the Freedom of Information Commission on
June 28, 1978.



Mitchell Pearlman
Acting Clerk of the Commission.