

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complain by  
John Carusone,

FINAL DECISION

Complainant

Docket #FIC83-16

against

July 21, 1983

Hamden Civil Service Commission

Respondent

The above captioned matter was heard as a contested case on April 29, 1983, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. By letters dated November 5, 1982 and November 15, 1982 the complainant requested of the respondent certain information regarding testing procedures and results of classified testing at the Hamden Board of Education.
3. By letter of complaint filed with the Commission on February 8, 1983, the complainant appealed the failure of the respondent to release its executive secretary's answers to the complainant's inquiries at its February 2, 1983 meeting.
4. At hearing, the complainant clarified his complaint by stating that he had obtained all information requested with the exception of a memorandum dated December 13, 1983 from the respondent's executive secretary to the respondent, which memo dealt with the complainant's November inquiries.
5. The respondent claimed that the document was exempted from disclosure by §1-19(b)(1), G.S.
6. However, at hearing, the respondent offered to reconsider its position on the disclosability of the document, and by letter dated May 6, 1983, notified the complainant that it had decided to give him a copy of the December 13, 1982 memo, as well as a December 14, 1982 memo on the same subject.
7. By letter dated May 9, 1983, the complainant notified the Commission that he had received the December 13 and December 14, 1982 memoranda, but that attachments to the December 14, 1982 memo had not been included.

8. It is found, however, that neither the complainant's complaint nor the presentation of evidence at hearing encompassed the issue of attachments to a December 14, 1982 memorandum.

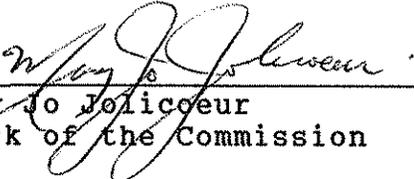
9. The Commission therefore declines consideration of the issue of the respondent's alleged failure to provide the complainant with documents attached to the December 14, 1982 memorandum.

10. It is also found that the respondent failed to make the December 13, 1982 memorandum available to the complainant promptly upon request, as required by §§1-19(a) and 1-15, G.S.

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

1. Henceforth the respondent shall act in strict compliance with the requirements of §§1-15 and 1-19(a), G.S.

Approved by order of the Freedom of Information Commission at its special meeting of July 8, 1983.

  
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Mary Jo Jolicœur  
Clerk of the Commission