

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Sharon Palmer, President,
Waterford Federation of
Classroom Teachers,

Report of Hearing Officer

Complainant

Docket #FIC83-82

against

Town of Waterford Board of
Education

October 19, 1983

Respondent

The above captioned complaint was heard as a contested case on July 25, 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 as defined by §1-18a(a), G.S.

2. At a March 9, 1983 executive session of the respondent, two members of the respondent stated that they had been contacted by several parents who had called to voice concern regarding the attendance record of a Mrs. Rymash.

3. By letter of complaint filed with the Commission on April 30, 1983, the complainant alleged that she had received no response to a March 29, 1983 request for the names of the parents who had allegedly questioned the attendance record of Mrs. Rymash.

4. It is found that there exists no record of the names of the parents who contacted the respondent regarding the attendance record of Mrs. Rymash.

5. It is therefore found that such names do not constitute a public record as defined by §1-18a(d), G.S.

6. It is therefore concluded that the respondent did not violate §§1-15 and 1-19(a), G.S. when it failed to provide the complainant with access to a record of such names.

7. It is found, however, that the respondent violated §1-21i(a), G.S., by failing to respond to the complainant's March 29, 1983 inquiry within 4 business days.

8. At hearing, the complainant attempted to raise as an issue the alleged illegality of the respondent's March 29, 1983 executive session.

9. It is found, however, that the alleged illegality of the March 9, 1983 session was not raised in the complainant's letter of complaint nor at any other time prior to the date of hearing.

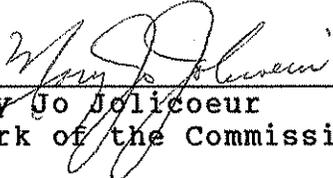
10. It is also found that the complainant's letter of complaint was filed with the Commission more than 30 days after the alleged illegal executive session.

11. It is therefore concluded that pursuant to §1-21i(b), G.S. the Commission lacks jurisdiction over the complainant's allegations regarding the March 9, 1983 executive session.

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 respond to requests for access to public records within four business days, as required by §1-21i(a), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of October 12, 1983.



Mary Jo Jolicoeur
Clerk of the Commission