

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Leo J. Patenaude,

FINAL DECISION

Complainant

Docket #FIC85-12

against

July 10, 1985

Board of Trustees of Regional  
Community Colleges,

Respondent.

The above captioned matter was heard as a contested case on April 15, 1985 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. On January 4, 1985 the complainant made a request of the respondent for a copy of the resume of the successful applicant for a Maintenance IV position at Mohegan Community College for which the complainant had applied.

3. By letter dated January 7, 1985 the respondent replied to the complainant's request as follows: "The initial determination has been made that resumes and employment applications are confidential."

4. By letter of complaint filed with the Commission on January 14, 1985 the complainant appealed the respondent's failure to provide him with a copy of the record requested.

5. On or about April 1, 1985 the respondent provided the complainant with the application and resume of the successful applicant for the Maintainer IV position.

6. At hearing the respondent moved to dismiss the complainant's complaint on the ground that the records had been provided, which motion was denied.

7. The respondent also moved to dismiss the complaint on the ground that the complainant failed to request the record in writing pursuant to §1-15, G.S.

8. However, the respondent responded to the complainant's verbal request with an indication that the record was "confidential," and at no time advised him that the result would have been any different had he filed a written request for the record. The respondent's second motion to dismiss is therefore also denied.

9. The respondent claims that the complainant's request for records was referred to Mr. Foley, the assistant to the executive director of personnel, for confirmation of the initial response given to the complainant and that Mr. Foley's review of the request and determination that the records should be made available was delayed due to his work schedule.

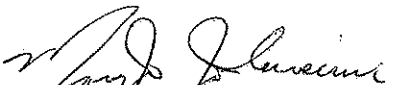
10. It is found that a response from Mr. Foley was not sent until approximately three months following the complainant's request for records, and only after the respondent received notice of the complainant's complaint to this Commission.

11. It is concluded that the respondent failed to provide the complainant with a copy of the requested record promptly upon request, in violation of §§1-15 and 1-19(a), G.S.

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

1. The respondent shall henceforth act in strict compliance with the requirements of §§1-15 and 1-19(a), G.S. with respect to the public's right to copies of public records.

Approved by order of the Freedom of Information Commission at its regular meeting of July 10, 1985.

  
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Mary Jo Jolicoeur  
Clerk of the Commission