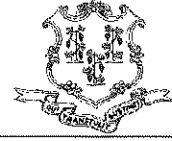


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FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Bradshaw Smith,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-269

Craig Cooke, Superintendent of Schools, Windsor Public
Schools; and Windsor Public Schools,
Respondent(s)

February 18, 2015

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, March 11, 2015**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE February 27, 2015**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE February 27, 2015**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE February 27, 2015**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Bradshaw Smith
Gary R. Brochu, Esq.

2015-02-18/FIC# 2014-269/Trans/wrbp/VRP//CAL

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Bradshaw Smith,

Complainant

against

Docket #FIC 2014-269

Craig Cooke, Superintendent of Schools,
Windsor Public Schools; and Windsor
Public Schools,

Respondents

February 18, 2015

The above-captioned matter was heard as a contested case on December 30, 2014, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. This case was consolidated for hearing with Docket #FIC 2014-152, Bradshaw Smith v. Craig Cooke, Superintendent of Schools, Windsor Public Schools; and Windsor Public Schools.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter of complaint filed May 5, 2014, the complainant appealed to the Commission, alleging that he had requested an opportunity to inspect and possibly photocopy one or more documents from the Windsor Public School District, and the "respondents' response is totally antithetical with §§1-210, 1-212 Connecticut General Statutes." The complainant requested the imposition of a civil penalty against the president of the Windsor Board of Education.
3. By letter dated July 10, 2014, the Commission advised the complainant that he had not alleged a violation of the Freedom of Information ("FOI") Act.
4. It is found that the complainant made an April 28, 2014 request that the respondent Cooke "make available for public inspection and possible photocopying all documents relative to your agency's recently completed search for the position of Superintendent."
5. It is found that the respondents replied by letter dated May 1, 2014 that the request involved a large number of documents in the possession of the New England

School Development Council (“NESDEC”). The letter advised the complainant that the respondents would make the request to NESDEC for the complainant, but that personally identifiable information concerning any unsuccessful candidate was exempt from disclosure, and that the records that would be made available for his inspection would have personally identifiable information redacted, citing Parson v. City of Groton, Docket #FIC 2003-142. The letter further advised the complainant that the cost of copying the documents would exceed \$10.00, and that prepayment would be required for copies. Finally, the letter advised the complainant that if he still wished to view the records, he should contact the respondents’ office.

6. At the hearing, the complainant refused to answer the hearing officer’s question whether the complainant had in fact contacted the respondents and advised them that he still wished to inspect the records. The complainant further refused to comport himself in an acceptable manner, and left the hearing room before the conclusion of the hearing.

7. It is found that the respondents’ May 1, 2014 reply was not a denial of the complainant’s request, but an offer to make the documents available under certain conditions, and a request that the complainant advise the respondents whether those conditions were acceptable—which the complainant did not do.

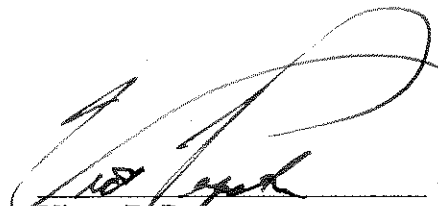
8. It is found that the respondents did not deny the complainant’s April 28, 2014 request.

9. It is therefore concluded that the respondents did not violate the FOI Act as alleged.

10. Given the conclusion in paragraph 7, above, there is no need to address the complainant’s request for a civil penalty.

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

1. The complaint is dismissed.



Victor R. Perpetua
as Hearing Officer