

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Anita Arakelian,

Complainant

against

Docket #FIC 2022-0127

Chair, Board of Education, West Hartford  
Public Schools; Board of Education, West  
Hartford Public Schools; Director of Finance  
and Planning, West Hartford Public Schools;  
and Superintendent of Schools, West  
Hartford Public Schools,

Respondents

February 22, 2023

The above-captioned matter was heard as a contested case on January 20, 2023, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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. It is found that, by letter dated February 15, 2022, the complainant requested the following records:
  - (a) “Expenditure for Changing Names of ‘Warrior’ and ‘Chieftain’”<sup>1</sup>, including financial detail indicating forecasted expense, actual expense incurred from July 1, 2021-present, bids received for such expense, and the contract for any vendor if a contract had been signed;
  - (b) “Expenditure for Textbooks, Workbooks, and Test Materials purchased by WHPS for the 2020-present date academic years”, including:

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<sup>1</sup> The Commission notes that “Warrior” and “Chieftain” are the names of the mascots formerly used by Hall High School and Conard High School, respectively.

- (i) financial detail indicating the titles of textbooks, workbooks and test materials and the corresponding expenditure; and
  - (ii) contracts of the vendors who supplied such textbooks, workbooks and test materials; and
- (c) “Expenditure for Instructional Improvement for the 2020-present date academic years”, including:
- (i) financial detail indicating what the Instructional Improvement is and corresponding expenditure; and
  - (ii) contracts of the vendors who supplied materials for Instructional Improvement.

3. It is found that, by email dated February 18, 2022, the respondents acknowledged the complainants’ request and informed the complainant that it would take time to gather and review all responsive records. It is also found that, by email dated March 15, 2022, the respondents informed the complainant that they do not maintain any records responsive to her request described in paragraph 2(a), above.

4. It is found that, by letter dated March 17, 2022, the respondents disclosed to the complainant records responsive to her requests described in paragraphs 2(b) and 2(c), above.

5. By letter of complaint, dated March 21, 2022, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to:

- (a) provide the records described in paragraph 2, above;
- (b) provide the complainant with information regarding an appeal process for failure to provide responsive records, after the complainant requested such information from the respondents; and
- (c) make the Board of Education’s March 15, 2022 regular meeting minutes available to the public within seven days of such meeting.<sup>2</sup>

6. Section 1-200(5), G.S., provides:

“[p]ublic records or files” means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a

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<sup>2</sup> The complainant withdrew the allegation described in paragraph 5(c), above, at the hearing in this matter. Accordingly, the allegation described in paragraph 5(c), above, will not be further addressed herein.

copy by law or contract under 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

7. Section 1-210(a), G.S., provides, in relevant part:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to ... (3) receive a copy of such records in accordance with section 1-212.

8. Section 1-212(a), G.S., provides, in relevant part: “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

9. It is found that the requested records, to the extent they exist, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. With regard to the allegation described in paragraph 5(b), above, it is found that the complainant did not request public records containing information about the appeal process, but rather, asked the respondents to answer her questions. The Commission has long concluded, and the court has affirmed, that a public agency has no duty to answer questions, only to provide access to, and copies of, public records under the FOI Act. See Kimberly Albright-Lazzari et al v. Colleen Murphy, Connecticut Freedom of Information Commission et al, CV105014984S, 2011 WL 1886878, at \*3 (Conn. Super. Ct. April 21, 2011).

11. It is therefore concluded that the respondents did not violate the FOI Act as alleged in the complaint and as set forth in paragraph 5(b), above.

12. With regard to the complainant’s request described in paragraph 2(a), and referenced in the complaint in paragraph 5(a), above, the respondents testified that at the time of such request, they did not maintain any responsive records.

13. The complainant testified that, at the time of her request described in paragraph 2(a), above, she was aware of a contest where two \$100 prizes were being offered to whichever student(s) from Hall High School or Conard High School submitted a new mascot name that was officially adopted by either school, respectively. The complainant argued that if such a contest existed at the time of her request, there should have also been a record of expenditure at such time.

14. The respondents testified, and it is found, that the respondent Board of Education (“board”) first met to discuss changing the two schools’ mascot names at their meeting on February 1, 2022. The respondents also testified, and it is found, that the board did not vote to

officially change the names until their meeting on June 7, 2022 (“June 7<sup>th</sup> meeting”), nearly four months subsequent to the complainant’s request described in paragraph 2(a), above. The respondents further testified, and it is found, that even if prizes were awarded to students in the contest described in paragraph 13, above, the respondents would not have records of such an expenditure until after the June 7<sup>th</sup> meeting approving the name change(s).

15. It is therefore found that, at the time of the complainant’s request described in paragraph 2(a), above, the respondents did not maintain responsive records.

16. Accordingly, it is concluded that the respondents did not violate the FOI Act by failing to provide records responsive to the complainant’s request described in paragraph 2(a), above.

17. With regard to the complainant’s requests for “financial detail”, described in paragraphs 2(b)(i) and 2(c)(i), above, the respondent Director of Finance and Planning (“Finance Director”) testified that she interpreted the complainant’s request to be a request for a list of expenditures for textbooks, workbooks, test materials, and for “Instructional Improvement”, purchased by West Hartford Public Schools. The Finance Director also testified that, in her professional opinion, a request for “financial detail” does not include “paid receipts”. The Finance Director further testified, however, that the respondents disclosed to the complainant invoices and purchase orders for expenditures of \$500 and greater, even though they did not consider such records to be within the scope of the complainant’s request. The Finance Director testified that locating and collecting the corresponding invoices and purchase orders is a time-consuming process, which is why she only disclosed such records for expenditures of \$500 and greater. The Commission takes administrative notice of the evidence and testimony, regarding the process of locating and collecting invoices and purchase orders, in Docket #FIC 2022-0181, Anita Arakelian v. Superintendent of Schools, West Hartford Public Schools, et al., (Final Decision pending).

18. The Finance Director testified that all records responsive to the requests, described in paragraphs 2(b)(i) and 2(c)(i), above, were disclosed to the complainant on March 17, 2022, and the respondents considered their obligations under the FOI Act to be fulfilled, with respect to such requests.

19. The complainant argued that the respondents did not provide all records responsive to her requests described in paragraphs 2(b)(i) and 2(c)(i), above. Specifically, the complainant argued that “financial detail” necessarily includes invoices and purchase orders and, therefore, such invoices and purchase orders should have been disclosed for all expenditures.

20. It is found that the respondents’ interpretation of the request described in paragraph 2(c)(i), above, as a request for a list of expenditures, was reasonable. It is also found that, on March 17, 2022, a list of all expenditures responsive to the request described in paragraph 2(c)(i), above, was disclosed to the complainant.

21. It is therefore found that the respondents did not violate §§1-210(a) and 1-212(a), G.S., FOI Act by failing to provide invoices and purchase orders with respect to the request described in paragraph 2(c)(i), above.

22. However, with regard to the request described in paragraph 2(b)(i), above, for “[f]inancial detail indicating the titles of textbooks, [w]orkbooks and [t]est [m]aterials and corresponding expenditure”, it is found that the respondents maintain invoices and purchase orders indicating the titles of the corresponding textbooks, workbooks, and test materials purchased by the respondents.

23. It is found that the respondents’ narrow interpretation of the complainant’s request, described in paragraph 2(b)(i), above, as excluding invoices and purchase orders containing the information the complainant requested, was not reasonable.

24. Accordingly, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by failing to provide the invoices and purchase orders described in paragraph 22, above.

25. With regard to the complainant’s requests for contracts, described in paragraphs 2(b)(ii) and 2(c)(ii), above, the respondents testified, and it is found, that no contracts exist.

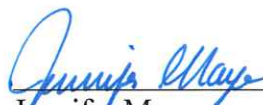
26. Accordingly, it is concluded that the respondents did not violate the FOI Act with respect to the complainant’s requests described in paragraphs 2(b)(ii) and 2(c)(ii), above.<sup>3</sup>

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

1. Within sixty (60) days of the date of the Notice of Final Decision in this matter, the respondents shall provide to the complainant a copy of all invoices and purchase orders responsive to her request, described in paragraph 2(b)(i), above.

2. Henceforth, the respondents shall strictly comply with the disclosure provisions in §§1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 22, 2023.

  
Jennifer Mayo

Acting Clerk of the Commission

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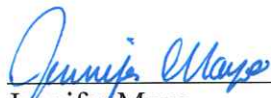
<sup>3</sup> The Commission notes that the purchase orders, found to be responsive to the request described in paragraph 2(b)(i), above, contain the information the complainant sought by her request for “contracts”, described in paragraph 2(b)(ii), above.

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

**ANITA ARAKELIAN**, 48 West Normandy Drive, West Hartford, CT 06107

**CHAIR, BOARD OF EDUCATION, WEST HARTFORD PUBLIC SCHOOLS; BOARD OF EDUCATION, WEST HARTFORD PUBLIC SCHOOLS; DIRECTOR OF FINANCE AND PLANNING, WEST HARTFORD PUBLIC SCHOOLS; AND SUPERINTENDENT OF SCHOOLS, WEST HARTFORD PUBLIC SCHOOLS**, c/o Attorney Cynthia Lauture, Office of the Corporation Counsel, 50 South Main Street, Room 319, Hartford, CT 0610350 South Main Street, West Hartford, CT 06107



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Jennifer Mayo  
Acting Clerk of the Commission