

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Raphael L. Podolsky, ) Hearing Officer's Report  
Complainant )  
 ) Docket #FIC77-229  
against )  
 )  
The Rules Committee of the )  
Superior Court and the Chairman )  
of the Rules Committee of the )  
Superior Court, Respondents )

The above captioned matter was heard as a contested case on January 26, 1978 along with Docket #FIC77-245 wherein similar issues were raised. At the hearing the complainants and the respondents appeared, stipulated to certain facts, and presented argument on the complaint.

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

1. By letter dated November 22, 1977 the complainant requested access to the meetings of the respondent committee. He also requested notification in writing of all meetings of the committee and where known in advance the agendas of those meetings.

2. On December 5, 1977 the respondent committee met. After permitting the complainant to make a statement it determined to deny the complainant's request to attend the meeting. Subsequently, the complainant was informed of the decision of the respondent committee.

3. The respondent committee is composed of four judges of the Superior Court and one associate justice of the Supreme Court.

4. The respondent committee recommends the Connecticut Practice Book Rules. In furtherance of this function it holds meetings and keeps minutes.

5. The complainant alleged that the respondent committee was a judicial body the functions of which were administrative and that therefore the respondent committee was a public agency within the meaning of §1-18a(a), G.S.

6. The respondents maintain that the respondent committee is not a public agency within the meaning of §1-18a(a), G.S.

7. The respondents claim that the language of P.A. 77-421 which provides that "'Public agency' or 'agency' ... includes any judicial office, official or body but only in respect to its or their administrative functions," is repealed by P.A. 77-609.

8. It is found that P.A. 77-609 does not repeal the afore-said language of P.A. 77-421.

9. The respondents further contend that the respondent committee is not a public agency within the meaning of §1-18a(a), G.S., because the respondent committee performs judicial rather than administrative functions.

10. It is found that the respondent committee performs an administrative function.

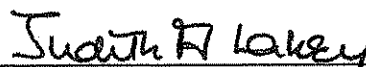
11. It is concluded, therefore, that the respondent committee is a public agency within the meaning of §1-18a(a).

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

1. Henceforth, the respondent committee shall provide the complainant with access to its meetings as required by §1-21, G.S.

2. Henceforth, the respondent committee shall provide notice of its meetings to the complainant as required by §1-21c.


3. The respondents also claimed that P.A. 77-421 is unconstitutional. Since the Commission has no jurisdiction over constitutional claims concerning the statutes it administers, it cannot treat this issue in an administrative contested case.



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Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
March 8, 1978.



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Charlene G. Arnold  
Clerk of the Commission