

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Martha Dulko and Kathryn Dulko,

Report of Hearing Officer

Complainants

Docket #FIC81-70

against

November 12, 1981

Connecticut Dental Commission of  
the State of Connecticut,

The above captioned matter was heard as a contested case on October 6, 1981, at which time the complainants and the respondent appeared, stipulated to certain facts and presented exhibits, testimony, 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. By letter dated April 24, 1981, the complainant Martha R. Dulko made a request of the respondent for

a. inspection and copies of "the original and official copy of the recommendation to the State Dental Commission(ers) by the Grievance Committee of said Commission" concerning a complaint filed by Martha R. Dulko against Dr. Thomas F. Kelly, D.D.S.;

b. the final decision of said committee and recommended referral;

c. the names and addresses of the State Dental Commissioners and Grievance Committee members.

3. By letter dated April 28, 1981, the Connecticut Dental Commission responded to the portions of complainants' request listed in paragraph 2(b) and 2(c), above, to the complainants' satisfaction.

4. On May 8, 1981, the complainants filed a complaint with the Commission alleging that the respondent's failure to provide them with the "official report" of the adjudication panel constituted a violation of the Freedom of Information Act.

5. The complainants also alleged a violation of § 1-19b(2), G.S., in the receipt by the respondent dental commission of x-rays of Martha R. Dulko.

6. More specifically, the complainants alleged that by obtaining such x-rays without the permission of the patient, Martha R. Dulko, the respondent commission publicly disclosed public records exempted from disclosure by § 1-19b(2), G.S., and thereby violated Ms. Dulko's personal privacy.

7. It is found that at all times relevant to this complaint, the body charged with reviewing complaints against dental health practitioners and making recommendations to the respondent was an adjudication panel within the meaning of § 19-4r, G.S.

8. It is also found that references in the complainants' correspondence to a "grievance committee" were properly interpreted by the respondent as references to the adjudication panel referred to in paragraph 7, above.

9. It is further found that the respondent responded to the complainants' request within four business days of such request within the meaning of § 1-21i(a).

10. It is therefore concluded that the respondent provided all the information and records requested with the exception of the document referred to in paragraph 2(a), above.

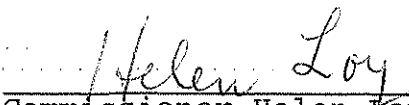
11. It is found that no document fitting the description in paragraph 2(a), above, was even prepared, owned, used, received, or retained, within the meaning of § 1-18a(d), G.S., by either the respondent or the adjudication panel.

12. It is also found that the complainants' claim of a breach of professional ethics in the release of Martha R. Dulko's x-rays and of a consequent invasion of privacy are not within the jurisdiction of the Commission.


13. It is further found that the examination by the respondent of Martha R. Dulko's dental x-rays did not constitute a violation of § 1-19b(2), G.S.

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

1. The complaint is hereby dismissed.

  
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Commissioner Helen Loy  
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of December 9, 1981.

  
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Mary Jo Jolicœur  
Clerk of the Commission