

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
T. Dennie Williams, Cliff
Teutsch and the Hartford
Courant,

FINAL DECISION

Complainants

Docket #FIC84-68

against

Deputy Chief Court Administrator
and Chief Court Administrator of
the State of Connecticut,

October 24, 1984

Respondents

The above captioned matter was heard as a contested case on July 19, 1984 at which time the complainants and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. On April 25, 1984 the complainant Teutsch made a requests of the respondents for copies of the most recent financial statements, filed pursuant to §51-46a(a), G.S., of all Superior Court judges.

2. By letter dated April 26, 1984 the respondent deputy chief court administrator denied the request.

3. By letter of complaint filed with the Commission on April 27, 1984 the complainants appealed the denial of the April 25 request.

4. By letter dated May 9, 1984 the complainants amended their complaint to add that the judicial department requires persons seeking access to financial statements to make appointments to see the documents, which, the complainants claim, delays access to the records.

5. Sec. 51-46a(a) and 51-46a(d), G.S. together provide that each judge of the superior and supreme courts shall file a statement of financial interests for the preceding calendar year with the judicial review council, which statement shall be open to inspection at the office of the chief court administrator or at a place designated by the chief court administrator.

6. Sec. 51-46a(c), G.S. provides that such financial disclosure statements are matters "of public information."

7. The respondents moved to dismiss the complaint on the ground that the Commission has no jurisdiction under §1-18a(a), G.S. to adjudicate complaints involving "any judicial office, official or body in respect to its or their" non-administrative functions.

8. The respondents claim that financial disclosure statements do not relate to the "management of the internal institutional machinery" of the court system but rather relate to the external interactions between the parties and the court.

9. The purpose of financial disclosure, the respondents claim, is to eliminate potential conflicts of interest between individual litigants and the courts, and has "none of the indicia of an administrative function."

10. The respondents also claim that the specific language of §51-46a providing for access to inspect the financial disclosure forms precludes access to copies of such forms.

11. The respondents also claim that the kind of information contained in the records in question, personal financial data, "is the kind of information generally exempted from disclosure pursuant to C.G.S. §§1-19(b)(2) and 1-19(b)(8)."

12. §51-51i, G.S. provides that "[i]n addition to removal by impeachment and removal by the governor . . . a judge shall be subject . . . to censure, suspension or removal from office for . . . (8) wilful failure to file a financial statement or the filing of a fraudulent financial statement required under section 51-46a."

13. It is found that the placing on file of financial information by judges of the Superior Court is not a voluntary or self-imposed practice, rather, it is mandated by the legislature.

14. It is concluded that the maintenance of records pursuant to §51-46a, G.S. is not an exercise of the autonomy of the judicial branch of government, nor is it part of a judicial function. It is, instead, an administrative function carried out pursuant to a legislative mandate.

15. It is further concluded that the respondents, with respect to the complaint before the Commission, are public agencies within the meaning of §1-18a(a), G.S.

16. The respondents' motion to dismiss on the ground of lack of jurisdiction is, therefore, denied.

17. It is found that §51-46a(d), G.S., which specifically states that financial disclosure statements shall be open for inspection, does not, by implication or otherwise, prohibit the copying of such statements.

18. It is also found that the respondents' claims with respect to §§1-19(b)(2) and 1-19(b)(8), G.S. are without merit.

19. It is concluded that the statements of financial disclosure placed on file by judges of the superior court are public records as defined by §1-18a(d), G.S.

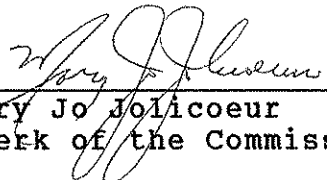
20. It is further concluded that in addition to the rights conferred by §§51-46a(c) and (d), G.S., the complainants have the right, pursuant to §§1-15 and 1-19(a), G.S., to receive copies of the documents in question.

21. It is found that the complainants failed to prove that the respondents' requirement that appointments be made to view the records in question denied them prompt access to such records.

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

1. The respondents shall forthwith provide the complainants with copies of the records referred to at paragraph 1, above.

Approved by order of the Freedom of Information Commission at its regular meeting of October 24, 1984.



Mary Jo Jolicoeur
Clerk of the Commission