

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Norman D. Schussler,

FINAL DECISION

Complainant

Docket #FIC85-63

against

August 14, 1985

Superintendent of Schools  
of the Town of Columbia

Respondent

The above captioned complaint was heard on May 24, 1985 in conjunction with FIC85-50, Norman D. Schussler v. Superintendent of Schools of the Town of Columbia, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. By letter of complaint filed with the Commission on February 26, 1985 and docketed as FIC 85-50, Norman D. Schussler v. Superintendent of Schools of the Town of Columbia, the complainant alleged that on February 25, 1985 he made a request, in person, for minutes of the board of education and was told by the respondent that such a request must be made in writing and that the respondent had four days to respond.
3. On February 27, 1985 the respondent's secretary telephoned the complainant to tell him that copies of the requested minutes were available. On February 28, 1985 the complainant went to the respondent's office, reviewed the requested minutes and requested additional minutes. The complainant was assisted by the board's bookkeeper, Ms. Nuhfer and Mr. Neckerman, a principal, because the respondent was not in his office and his office was locked. Neither Ms. Nuhfer nor Mr. Neckerman was able to locate the minutes.
4. By letter of complaint filed with the Commission on March 5, 1985 the complainant alleged that upon being unable to locate the requested minutes Ms. Nuhfer telephoned the respondent, who told her that a written request would be required for the additional minutes requested. The complainant alleged that the respondent's requirement of a written request violated §1-19, G.S.

5. The respondent's office hours are 9:00 a.m. to 4:00 p.m. Monday through Wednesday. The request which is the subject of this complaint was made on Thursday.

6. The complainant claims that he requested access to inspect records and the respondent claims that he understood the request to have been for copies of records.

7. There was no indication at hearing that the issue of whether the complainant wanted inspection or copies was directly addressed by the parties in the course of their contact.

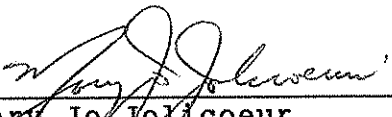
8. It is found that nothing in the Freedom of Information Act permits a public agency to require a written request for access to inspect public records. The respondent's insistence that the complainant make a written request for copies of records is permitted by the language of §1-15, G.S.

9. It is found that the facts presented at hearing indicated that there was a misunderstanding between the complainant and the respondent regarding the nature of the complainant's complaint, but do not support a finding of a violation of §1-15 or §-19(a), 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.
2. The Freedom of Information Commission urges that the minutes of the board of education be filed with the town clerk in order to make the minutes more accessible to the public.

Approved by order of the Freedom of Information Commission at its special meeting of August 14, 1985.

  
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Mary Jo Jolicoeur  
Clerk of the Commission