

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Leo J. Patenaude

FINAL DECISION

Complainant

Docket #FIC85-171

against

Connecticut Department of
Education, Division of Vocational
& Technical Schools

Respondent

July 9, 1986

The above captioned matter was heard as a contested case on November 5, 1985 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint. At some time thereafter, it was discovered that the tape record of the hearing was defective and the matter was rescheduled to December 3, 1985. At that time, the hearing was again postponed to January 28, 1986 at which time the parties appeared and once again presented evidence 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 section 1-18a(a), G.S.
2. By letter filed with the Commission on August 14, 1985 the complainant alleged that the respondent had failed to provide him with the resume of the person who was hired for teaching auto mechanics at the Norwich Regional Vocational School, in violation of the disclosure requirements of The Freedom of Information Act.
3. The complainant asked that a civil penalty be imposed.
4. The complainant's first request for the resume was sent to John Rooke at the Norwich Regional Vocational Technical School on April 22, 1985.

5. On April 25, 1985 Mr. Rooke wrote to the complainant:

Your request on 4/22/85 for the credentials of another person is somewhat irregular and not within my jurisdiction to issue. Consequently I'm forwarding your memo to Mr. Joseph Angelillo, Consultant, Automotive, who may be able to advise you as to the procedure if such exists.

6. On May 13, 1985 the complainant again requested the same resume from Mr. Rooke.

7. On June 6, 1985 the complainant repeated his request to Mr. Rooke.

8. On June 10, 1985 Mr. Rooke wrote to the complainant explaining that the first request was referred to Mr. J. Angellilo and that all applications and pertinent documents were returned to the central office.

9. On June 13, 1985 the complainant wrote to Mr. Angellilo citing Conn. Gen. Stat. 1-15, G.S. and requesting a copy of the resume.

10. On July 21, 1985 the complainant wrote to Mr. Angellilo again demanding the resume.

11. Thereafter, the matter was referred to Beatrice Tinty, Consultant, who requested the advice of Attorney Mark Stapleton.

12. The requested resume was provided to the complainant on December 3, 1985 just before the scheduled hearing.

13. §1-15, G.S. provides that any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record.

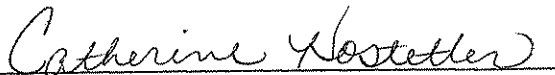
14. It is found that the requested resume was not provided promptly within the meaning of §1-15, G.S.

15. It is found that under the facts herein it is appropriate to hold a hearing to determine whether the violation in question was without reasonable grounds, who was responsible for the violation, and whether it is appropriate to assess a civil penalty under §1-21i(b), G.S.

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

1. Henceforth, the respondent will comply with §1-15, G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of July 9, 1986.


Catherine Hostetter
Catherine Hostetter
Acting Clerk of the Commission