

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Leo Patenaude,

FINAL DECISION

Complainant

against

Docket #FIC 85-269

The Board of Trustees of
Regional Community Colleges,
the Assistant to Executive
Director for Personnel and
Contract Services of the Board
of Trustees, and the Interim
President of the Board of
Trustees of Regional Community
Colleges for the State of
Connecticut,

Respondents

July 9, 1986

The above captioned matter was heard as a contested case on March 11, 1986, at which time the complainant 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. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. By letter dated August 10, 1985 the complainant made a written request to the Dean of College Relations and Support Services of Mohegan Community College for the following information:

(a) Minutes of the respondent board's meeting at which the selection was made for the maintainer IV position; and

(b) Copies of state laws and state statutes which governed the selection process for the maintainer IV position.

3. Claiming no response to his request, the complainant appealed to the Commission by letter of complaint filed on September 2, 1985.

4. The complainant requested the imposition of a civil penalty against the respondents.

5. At the hearing, the respondents moved to dismiss the complaint pursuant to §1-21i(b), G.S., claiming the complaint was not heard within the statutory time period.

6. The respondents' motion to dismiss was denied because of the pendency of legislation which would address the Supreme Court decision in Zoning Bd. of Appeals v. FOIC, 198 Conn. 498 (1986).

7. It is found that the President of Mohegan Community College made the final decision concerning the maintainer IV position rather than the respondent board.

8. It is found that the minutes which the complainant alleges have not been provided do not exist.

9. It is further found, however, that the maintainer IV candidate was selected in accordance with state statutes.

10. The respondents claim that the statutes governing the selection process are not a public record within the meaning of §1-18a(d), G.S., but are a printed reference material readily available to the complainant at any library.

11. There has been no evidence introduced that the respondents have a copy of the statutes in question in their possession.

12. It is therefore concluded that the respondents are not required to do legal research to answer the complainant's inquiries.

13. It is found that the respondents have in their possession a copy of the rules used in screening and selecting applicants for jobs like the maintainer IV position.

14. The respondents allege that the complainant never made a request for the "rules" used in the selection process as stated in his appeal to the Commission.

15. It is found that the complainant's request for any state law used by the respondents in making employment selections would also include any rules used in making the selection.

16. It is therefore concluded that the respondent board violated §§1-15 and 1-19(a), G.S., by not promptly providing the complainant with a copy of the rules used in screening and selecting candidates.


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

1. Henceforth the respondents shall act in strict compliance with the requirements of §§1-15 and 1-19(a), G.S., regarding the disclosure of public documents.

2. The respondents shall forthwith provide the complainant with a copy of the rules governing the selection process for the maintainer IV position.

3. The Commission declines to impose a civil penalty against the respondents as requested by the complainant.

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


Catherine Hostetter
Acting Clerk of the Commission