

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Anne Manusky,

Complainant

against

Docket #FIC 2018-0120

Chair, Board of Education, Easton Public  
Schools; Superintendent of Schools,  
Easton Public Schools; and Easton Public  
Schools,

Respondents

October 10, 2018

The above-captioned matter was heard as a contested case on July 17, 2018, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, on January 22, 2018, the complainant requested copies of the “minutes and dates of the three most recent Easton curriculum committee meetings.”
3. By letter filed March 7, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide her with copies of the records she requested.

4. Section 1-200(5), G.S., provides:

Public records or files means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, ...whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

5. Section 1-210(a), G.S., provides, in relevant part:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether

or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, ... or (3) receive a copy of such records in accordance with section 1-212.

6. Section 1-212(a), G.S., provides in relevant part: “Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.

7. It is found that all the records requested by the complainants are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

8. It is found that some time in February, 2018, the respondents gathered records responsive to the complainant’s request. It is found that the respondent superintendent provided such records to the respondents’ attorney, who by mistake did not send them to the complainant nor did he direct that they be provided to the complainant.

9. It is found that the respondents provided the responsive records to the complainant shortly before the hearing in this matter, when they discovered that the complainant did not receive the records in February.

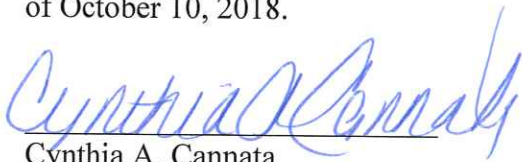
10. It is found that the curriculum committee has not met since 2012. It is found that the responsive records comprise the agenda and minutes of the curriculum committee meetings in 2010 and 2012.

11. The respondents do not contest that their compliance with the complainant’s request was not timely.

12. It is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S. See Brown v. Kevin Lembo, Comptroller, Office of the State Comptroller, et al., Docket #FIC 2016-0118 (November 16, 2016) (respondents’ attorney’s inadvertent failure to deliver responsive documents provided to her by respondent until reminded by FOI Commission docketing letter found to be failure to deliver records “forthwith”).

Under the facts and circumstances of this case, no order is recommended on the basis of the record concerning the above-captioned matter.

Approved by Order of the Freedom of Information Commission at its regular meeting of October 10, 2018.



Cynthia A. Cannata  
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

**ANNE MANUSKY**, 20 Morning Glory Drive, Easton, CT 06612

**CHAIRMAN, BOARD OF EDUCATION, EASTON PUBLIC SCHOOLS;  
SUPERINTENDENT OF SCHOOLS, EASTON PUBLIC SCHOOLS; AND EASTON  
PUBLIC SCHOOLS**, c/o Attorney Henry J. Zaccardi, Shipman & Goodwin LLP, One  
Constitution Plaza, Hartford, CT 06103



Cynthia A. Cannata  
Acting Clerk of the Commission