

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Chris Powell, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-172
)	
Town of Stafford and the Board of Education of the Town of Stafford, Respondents)	October 26, 1977
)	

The above captioned matter was heard as a contested case on September 21, 1977, at which time the complainant and the respondent board appeared and presented testimony and arguments on the complaint.

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

1. The respondent board is a public agency within the meaning of §1-18a(a), G.S.
2. The respondent board has appeared as respondent before the Commission on at least two separate occasions previously.
3. The respondent and this complainant executed a "stipulation" dated March 22, 1977, which provides, inter alia, that the respondent "agrees to comply fully" with the provisions of the Freedom of Information Act. The said "stipulation" was entered into in order to resolve a complaint before this Commission and is on file with the Commission, docket #FIC76-22.
4. During the day on August 22, 1977, an employee of the complainant, its reporter, James Whinfield, requested access to minutes of and records of the votes taken at meetings of the respondent board of education held on July 25, August 2, August 8, August 15, and August 22, 1977.
5. The said minutes and records are "public records" within the meaning of §§1-18a(d) and 1-19(a), G.S.
6. The request was made to Elizabeth Heuitson, the recording secretary of the respondent board of education.
7. Elizabeth Heuitson had custody of the said minutes and records of votes at the time the said request was made.
8. Elizabeth Heuitson refused to permit the complainant's employee, Mr. Whinfield, to inspect or copy the said minutes and records, stating that they had not been "approved" by the respondent board.

9. During the evening of August 22, 1977, Mr. Whinfield approached the chairman of the respondent board, Douglas Scussell and requested that he permit Mr. Whinfield to have access to the said minutes and records.

10. Mr. Scussell refused to permit Mr. Whinfield to inspect or copy the said minutes and records, stating that it would be necessary first to have an opinion from the Connecticut Association of Boards of Education (CABE).

11. The complainant had the right under §§1-19(a) and 1-21, G.S., to inspect or copy the minutes and records of votes taken at meetings of the respondent board held on July 25, August 2, August 8, and August 15, 1977.

12. As a result of the previous cases in which the respondent board has appeared before this Commission, and as evidenced by the "stipulation" signed by Mr. Scussell, as aforesaid, the chairman, Mr. Scussell, knew or should have known that, on August 22, 1977, the complainant had such rights under §§1-19a and 1-21, G.S.

13. The denial by Mr. Scussell of the complainant's rights, as aforesaid, was wilful, and there was no reasonable ground for such denial.

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

1. Henceforth, the respondent board, its members and the custodian of its minutes and records shall comply with §§1-19(a), 1-21 and other provisions of the Connecticut General Statutes relating to the production of public records.

2. Under the provisions of §1-19i(d), G.S., a fine in the amount of \$100.00 is hereby imposed on Douglas Scussell because his denial of the complainant's rights is found to be wilful and without reasonable ground; provided, however, payment of said fine is remitted on condition that the said Douglas Scussell henceforth refrain from wilful violation of the provisions of §§1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive of the Connecticut General Statutes, for a period commencing on the date hereof and ending on the date he ceases to hold office as member of the respondent board or September 25, 1978, whichever shall first occur. At the end of said period and in the absence of any wilful violation of said provisions of law, this order shall be null and void.



Chairman Helen M. Loy

Approved by order of the Freedom of Information Commission on
October 26, 1977.



Charlene G. Arnold, Clerk of the
Freedom of Information Commission