FREEDOM OF INFORMATION COMMISSION OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Nadine Monroe and Legal Clients Advocates, Inc., Complainants against)	Report of Hearing Officer
	,	Docket #FIC77-245
)	March 8, 1978
State of Connecticut, and the Rules Committee of the Superior)	
Court, Respondents)	

The above captioned matter was heard as a contested case on January 26, 1978 along with Docket #FIC77-229 wherein similar issues were raised. At the hearing the complainants and the respondents appeared, stipulated to certain facts, and presented argument on the complaint.

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

- 1. By letter dated December 19, 1977 the complainants requested access to the minutes and the January 16, 1978 meeting of the respondent committee. They asked to be informed of the time and location of the meeting.
- 2. Having received no response the complainants filed their appeal with this Commission on December 28, 1977.
- 3. The respondent committee is composed of four judges of the Superior Court and one associate justice of the Supreme Court.
- 4. The respondent committee recommends the Connecticut Practice Book Rules. In furtherance of this function it holds meetings and keeps minutes.
- 5. The complainant alleged that the respondent committee was a judicial body the functions of which were administrative and that therefore the respondent committee was a public agency within the meaning of §1-18a(a), G.S.
- 6. The respondents maintain that the respondent committee is not a public agency within the meaning of §1-18a(a), G.S.
- 7. The respondents claim that the language of P.A. 77-421 which provides that "'Public agency' or 'agency' ... includes any judicial office, official or body but only in respect to its or their administrative functions," is repealed by P.A. 77-609.

- 8. It is found that P.A. 77-609 does not repeal the aforesaid language of P.A. 77-421.
- 9. The respondents further contend that the respondent committee is not a public agency within the meaning of §1-18a(a), G.S., because the respondent committee performs judicial rather than administrative functions.
- 10. It is found that the respondent committee performs an administrative function.
- 11. It is concluded, therefore, that the respondent committee is a public agency within the meaning of §1-18a(a).
- 12. The respondents further contend that the Freedom of Information Act does not provide persons with access to records which existed prior to the effective date of Public Act 75-342.
- 13. It is concluded that the Freedom of Information Act provides access to all records maintained or kept on file by any public agency without reference to the effective date of public act 75-342, §1-19(a), G.S.

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

- 1. Henceforth, the respondent committee shall provide the complainant with access to its records and meetings as required by §1-19(a), G.S. and §1-21, G.S.
- 2. Henceforth, the respondent committee shall provide notice of its meetings to the complainant as required by §1-21c.
- 3. The respondents also claimed that P.A. 77-421 is unconstitutional. Since the Commission has no jurisdiction over constitutional claims concerning the statutes it administers, it cannot treat this issue in an administrative contested case.

Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on March 22, 1978.

Charlene G. Arnold

Clerk of the Commission