FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Milton L. Cramer,

Complainant

against

The Town of Litchfield; and
Superintendent of Schools of
the Town of Litchfield,

Respondents

Final Decision

Docket #FIC79-248

May 21, 1981

The above captioned matter was heard as a contested case on May 15, 1980, 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:

1. Respondents are public agencies within the meaning of §1-18a(a) G.S.

2. By letter dated November 13, 1979, the complainant requested copies of the records of teachers who were being considered for the position of Chairman of the Department of Mathematics of Litchfield High School, showing in particular the following information:

a) Academic degrees held by each candidate;

b) Major subjects taught at Litchfield High School;

c) Collateral activity of each teacher such as teaching positions in other additional institutions, businesses, or industry, etc. as may be contained in such teachers' records.

3. By letter dated November 20, 1979, the Superintendent complied in part with the complainant's request in that he provided a listing of the subject matter presently being taught by the candidates, but the remainder of the information requested by the complainant was denied.

4. By letter dated November 13, 1979, the complainant requested notice of any meeting which would consider the question of the appointment of new Chairman of the Department of Mathematics at Litchfield High School pursuant to §1-21c G.S.

5. In a second letter to the Commission, on or about December 17, 1979, the complainant alleged violations of the Freedom of Information Act as Codified at Chapter 3 of the General Statutes in that:

a) The respondents had not complied with the November 13 request for notice of meetings pursuant to §1-21c G.S.;

b) The respondents had not provided the documents requested in the November 13, 1979 letter;

c) The respondents held an executive session December 11, 1979 in violation of §1-18a(e)(1) G.S. because one of the candidates requested an open and public discussion of the candidates.

6. The respondent indicated that it was now willing to provide copies of the documents requested by the complainant to the extent that such documents were available.

7. It is found that the respondents failed to provide copies of the records requested by the complainant promptly, in accordance with the requirements of §1-15, G.S.

8. The complainant was not a candidate for the position of Chairman of the Department of Mathematics.

9. It is found that the complainant lacks standing to assert a violation of §1-18a(e)(1) G.S. on the ground that one of the candidates for the position of the Chairman of the Department of Mathematics was denied his request for an open meeting.

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

1. Henceforth, the respondent shall provide copies of records promptly in accordance with §1-15 G.S.

2. The claim that the respondent violated §1-18a(e)(1) G.S. is dismissed on the ground that the complainant herein lacks standing to claim a violation of that section.

Approved by Order of the
Freedom of Information Commission
at its regular meeting of April 8, 1981,

Wendy Rae Briggs
Wendy Rae Briggs
Clerk of the Commission