

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Robert W. Duda, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-131
)	
City and Town of New Haven and Robert J. Schreck, Principal)	July 27, 1977
Richard C. Lee High School, Respondents)	

The above captioned matter was heard as a contested case on July 21, 1977, at which time the complainant 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 as defined by §1-18a(a), G.S.
2. By letter filed with the Commission on June 29, 1977, the complainant alleged that the respondent principal has not complied with a prior order of this Commission In the Matter of a Complaint by Robert W. Duda against City and Town of New Haven and Robert J. Schreck, Principal, C. Lee High School, docket #FIC77-99.
3. In docket #FIC77-99, approved by order of the Freedom of Information Commission on June 22, 1977, the Commission found the records enumerated in the complainant's June 2, 1977 letter to the principal of the Richard C. Lee High School, Complainant's Exhibit A herein, to be public records under §1-19a, G.S., subject to the complainant's right to inspect or copy such records.
4. Also in docket #FIC77-99, the principal of the Richard C. Lee High School was ordered to forthwith provide the complainant with access to the public records enumerated in the aforesaid June 2, 1977 letter.
5. Such records are maintained and kept on file at the Richard C. Lee High School.
6. The respondent principal is the custodian of such records.
7. On June 27, 1977, the complainant again requested from the respondent principal access to all of the records enumerated in Complainant's Exhibit A.
8. The respondent principal has failed to comply with such request.
9. It is found that the respondent principal has failed to comply with the order of the Freedom of Information Commission in docket #FIC77-99.

10. It is further found that there was no reasonable ground for the respondent principal's denial of the complainant's rights under §1-19, G.S.

11. §1-21k, G.S. states, in pertinent part, that "Any member of any public agency who fails to comply with an order of the freedom of information commission shall be guilty of a class B misdemeanor and each occurrence of failure to comply with such order shall constitute a separate offense."

12. Further, under §1-21i(d), G.S. this Commission shall fine the custodian or other official directly responsible for a denial of a right conferred under §1-19, G.S., without reasonable ground, not less than twenty nor more than five hundred dollars.

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

1. The respondent principal shall immediately and fully comply with the order of this Commission in docket #FIC77-99.

2. The respondent principal shall, within 10 business days of his receipt of the notice of final decision hereof, serve upon this Commission an affidavit certifying full and complete compliance with paragraph 1 of this Order.

3. If such affidavit, described in paragraph 1 of this order, is not received by this Commission within 10 business days of the respondent principal's receipt of the final decision hereof, this Commission shall refer such non-compliance to the appropriate authorities for criminal prosecution in accordance with §1-21k, G.S.

4. If the respondent principal fails to comply with paragraphs 1 and 2 of the order above, the Commission thereupon imposes the following fine: the respondent principal shall pay \$500 per day for each and every day thereafter in which he fails to comply with paragraphs 1 and 2 of the order above, each such day constituting a separate occurrence of a denial of a right created by §1-19 without reasonable ground. Payment of such fine shall be remitted directly to this Commission.



Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on
August 10, 1977.

A handwritten signature in cursive script, appearing to read "Charlene G. Arnold".

Charlene G. Arnold, Clerk
Freedom of Information Commission