



8. It is found that P.A. 77-609 does not repeal the afore-said 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.

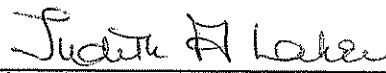
13. It is concluded that the Freedom of Information Act provides access to all records maintained or kept on file by any public agency without reference to the effective date of public act 75-342, §1-19(a), G.S.

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.

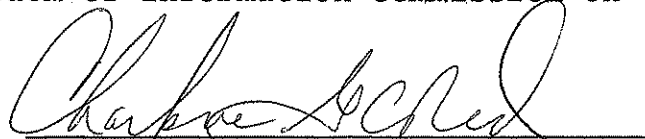
3. The respondents also claimed that P.A. 77-421 is unconstitutional. Since the Commission has no jurisdiction over constitutional claims concerning the statutes it administers, it cannot treat this issue in an administrative contested case.



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