

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Robert Ribner

FINAL DECISION

Complainant

Docket #FIC 84-162

against

March 20, 1985

Statewide Bar Counsel
of the State of Connecticut

Respondent

The above captioned matter was scheduled for hearing November 26, 1984 at which time the parties appeared and presented evidence and argument on the complaint.

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

1. The named respondent is an employee of the judicial department who is appointed by the judges of the Superior Court, Section 27H, Connecticut Practice Book.

2. Section 1-18a [a] G.S. provides in relevant part that "public agency" includes any judicial office, official or body or committee thereof but only in respect to its administrative function.

3. It is found that the respondent is a public agency within the meaning of §1-18a[a] G.S. in so far as the performance of his duties constitutes an administrative function.

4. By letter dated July 31, 1984, the complainant asked to inspect the file pertaining to a grievance which he had appealed from the local grievance committee.

5. By letter dated September 26, 1984, the named complainant denied the request to inspect records after it had been received by the Statewide Grievance Committee.

6. The respondent did provide the complainant with the names of attorneys who considered his appeal.

7. It is found that with respect to the actions taken to respond to the request of the complainant for records that the respondent statewide bar counsel was performing an administrative function and was a public agency within the meaning of §1-18a[a] G.S.

8. The respondent argued that the records sought by the complainant, the records developed by the local grievance committee and the statewide grievance committee were not records of a public agency as defined at §1-18a(a) G.S.

9. The local grievance committee and the statewide grievance committee are appointed by the judges of the Superior Court pursuant to Connecticut Practice Book Sections 27B and 27G

10. With respect to the records sought by the complainant herein, the function of the local grievance committee was to inquire with and investigate a grievance which was filed by the complainant herein.

11. With respect to the records sought by the complainant herein, the statewide grievance committee functioned as an appellate panel to review the decision of the local grievance committee on the grievance filed by the complainant.

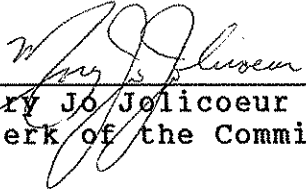
12. It is found that with respect to the grievance filed by the complainant that neither the local nor the statewide grievance committee was performing an administrative function within the meaning of §1-18a(a) G.S.

13. It is concluded therefore that with respect to the records sought by the complainant that neither the local nor the statewide grievance committee is subject to the Freedom of Information Act and that the complaint should be dismissed for lack of jurisdiction

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

1. The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its special meeting of March 20, 1985.



Mary Jo Jolicœur
Clerk of the Commission