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FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Dawn Llewellyn,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2013-567

Superintendent of Schools, Fairfield Public Schools; Deputy Superintendent of Schools, Fairfield Public Schools; and Fairfield Public Schools,

Respondent(s)

June 18, 2014

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, July 9, 2014**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE June 27, 2014**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE June 27, 2014**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE June 27, 2014**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of Information Commission

Wendy Paradis
Acting Clerk of the Commission

Notice to: Dawn Llewellyn
Joshua J. Wyatt, Esq.

2014-06-18/FIC# 2013-567/Trans/wrbp/VRP//TAH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report Of Hearing Officer

Dawn Llewellyn,

Complainant

against

Docket #FIC 2013-567

Superintendent of Schools,
Fairfield Public Schools;
Deputy Superintendent of Schools,
Fairfield Public Schools; and
Fairfield Public Schools,

Respondents

June 17, 2014

The above-captioned matter was heard as a contested case on April 7, 2014, 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 and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter of complaint filed September 24, 2013, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by:
 - a. Releasing copies of emails between her husband and the respondents to William Gerber, the husband of a Fairfield Board of Education member, as part of a campaign to discredit the complainant's husband's candidacy for the Fairfield Board of Education;
 - b. Failing to charge the initial requester of the emails for the copies, and spending significant time and public funds to provide the emails to the initial requester;
 - c. Overstating the number of emails between her husband and the respondents;
 - d. Releasing information protected by the Family Educational Rights and Privacy Act ("FERPA");

- e. Failing to provide copies of the released emails and associated correspondence to the complainant.

3. It is found that the complainant, by email dated August 5, 2013, requested copies of the initial request by William Gerber for the emails between the respondents and John and Dawn Llewellyn; the correspondence related to that request; a count of the emails released; and a copy of all emails from either John or Dawn Llewellyn released to Gerber.

4. It is found that the respondents provided the released emails on August 13, 2013, and the related correspondence on August 20, 2013. It is also found that the respondents provided a small number of additional documents on August 22, 2013.

5. Section 1-200(5), G.S., provides:

“Public records or files” means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

6. Section 1-210(a), G.S., provides in relevant part:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

7. Section 1-212(a) provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

8. It is concluded that the requested records are public records within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

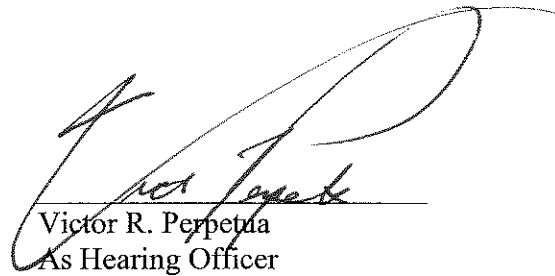
9. It is found that all of the requested records were provided promptly.

10. It is concluded that the complainant's remaining allegations do not state a violation of the FOI Act.

11. It is therefore concluded that the respondents did not violate the FOI Act.

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

1. The complaint is dismissed.



Victor R. Perpetua
As Hearing Officer