

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Alex Ruskewich,

Complainant

against

Docket #FIC 2017-0637

Wilton Preschool Committee,
Wilton Public Schools; and
Wilton Public Schools,

Respondents

January 24, 2018

The above-captioned matter was heard as a contested case on December 12, 2017, at which time the complainant and the respondent Wilton Public Schools (“WPS”) appeared 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 respondent WPS is a public agency.
2. It is found that, in late 2016, the superintendent of WPS created the Wilton Preschool Committee (“committee”) to study whether the model that the district had been using for its preschool program should be changed.
3. It is found that the committee met on November 3, December 1, and December 15, 2016, and possibly on other dates. In February 2017, the committee presented its findings and recommendations to the superintendent and the board of education (“board”) during a public meeting of the board.
4. It is found that, by email dated February 6, 2017, the complainant requested “electronic copies of the Pre-K committee records, which would include but not be limited to the dates of the meeting she said that they had surveyed to local preschools and set the price under the local private preschool tuition rates. I would like to see the data the committee gathered on the local Pre-Ks, their analysis and recommendations.”
5. By email dated February 17, 2017, the complainant appealed to the Commission, alleging that the committee violated the FOI Act by (a) conducting unnoticed meetings and failing to create minutes of their meetings; and (b) failing to provide copies of the records responsive to the request, described in paragraph 4, above.

6. With respect to the records request, described in paragraph 4, above, it is found that, by email dated March 6, 2017, the superintendent provided copies of records responsive to the complainant's request. At the hearing in this matter, the complainant stated that he was satisfied that all responsive records had been provided to him and that he did not wish to pursue this portion of his complaint.

7. It is found that, by the date of the hearing in this matter, the committee ceased to exist.

8. At the hearing in this matter, the superintendent stipulated that the committee did not create minutes of its meetings or make such minutes available to the public within seven days, in accordance with §1-225(a), G.S. The superintendent further stipulated that the committee did not post notice of its meetings, in accordance with §§1-225(c) and (d), G.S.

9. The superintendent testified that neither he nor the members of the committee understood that committees created by public agencies are public agencies under the FOI Act. The superintendent testified that he became aware of the issue when he received a copy of the complaint filed with the Commission, and that since then, he and members of the now defunct committee had created minutes of some meetings, and were in the process of creating minutes of all meetings of the committee, and making them available to the public. The superintendent also testified that, based on this experience, he was in the process of reviewing whether other town committees had inadvertently failed to comply with the FOI Act and pledged to correct any such failures in the future.

Based upon the fact that the committee no longer exists, and the superintendent's testimony that he has begun the review, described above, and pledged to ensure compliance by all town committees in the future, 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.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 24, 2018.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

ALEX RUSKEWICH, 22 Calvin Road, Wilton, CT 06897

WILTON PRESCHOOL COMMITTEE, WILTON PUBLIC SCHOOLS; AND WILTON PUBLIC SCHOOLS, c/o Attorney Benjamin P. FrazziniKendrick, Shipman & Goodwin, LLP, One Constitution Plaza, Hartford, CT 06103-1919, and Attorney Jessica Smith, Shipman & Goodwin, LLP, 300 Atlantic Street, 3rd Floor, Stamford, CT 06901



Cynthia A. Cannata
Acting Clerk of the Commission