

Freedom of Information Commission
of the State of Connecticut

In the matter of a complaint by)
Bernard E. Lynch, Jr., Complainant) Report of Hearing Officer
against) Docket #FIC75-6
Planning and Zoning Commission of) November 17, 1975
the Town of Hamden, Respondent

The above captioned matter was heard as a contested case on November 12, 1975, at which time the complainant and the respondent appeared. At said time, the respondent filed a Plea in abatement and Motion to Dismiss contesting the jurisdiction of this Commission over said matter. The Hearing Officers having reason to believe that this Commission lacked jurisdiction over the subject matter, adjourned the hearing pending their determination as to whether this Commission, in fact, has such jurisdiction. The respondent having submitted a brief in support of its Plea in Abatement and Motion to Dismiss, the Hearing Officers set November 14, 1975 as the final date for filing briefs as to the jurisdiction of this Commission over the subject matter herein.

Upon consideration of the entire record, the Hearing Officers are of the opinion that this Commission lacks jurisdiction over the subject matter of the present complaint for the following reasons:

1. It appears from the complaint (letter addressed to this Commission dated October 20, 1975 together with attachments) that the alleged violation would have occurred on September 16, 1975, at which time

there was, or was not, a scheduled public meeting of the respondent Commission.

2. The rights and powers conferred by P.A. 75-342 did not become effective until October 1, 1975. See Section 19 of P.A. 75-342.
3. Consequently, this Commission does not have jurisdiction to determine alleged violations of said law occurring prior to October 1, 1975.

In view of the foregoing, the following order by this Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The complaint should be dismissed, without prejudice, for lack of jurisdiction.
2. This report and order should not be construed as commenting upon the respective claims of the parties hereto except as is herein stated.

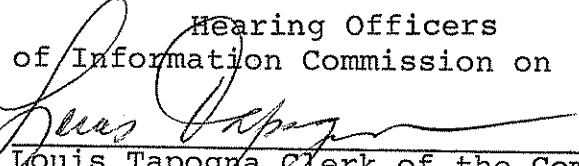


Helen Loy



Mitchell W. Pearlman, Esq.

Approved by order of the Freedom of Information Commission on
December 10, 1975.



Louis Tapogna Clerk of the Commission