

Freedom of Information Commission  
of the State of Connecticut

In the Matter of a Complaint by )  
Joseph F. Fullin, Complainant ) Report of Hearing Officer  
against ) Docket #FIC76-122  
City and Town of Norwalk and ) August 31, 1976  
Department of Public Works of the )  
City and Town of Norwalk, )  
Respondents )

The above captioned matter was heard as a contested case on August 12, 1976, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondents are public agencies.
2. By letter dated July 5 and 6, 1976, the complainant requested certain detailed information concerning the respondents' paving contracts and specifications for 1975 and 1976.
3. Having failed to receive a reply within four business days, the complainant filed the present appeal with this Commission on July 13, 1976.
4. At the hearing on this matter, the respondents admitted that they did not respond to the complainant's request within the time specified in §14(a) of P.A. 75-342. They have subsequently, however, compiled voluminous records from which they say the information requested can be abstracted. It took the respondents ninety man-hours to assemble these records.
5. The respondents will permit the complainant to inspect these records at their office so that he may obtain the information he seeks. Alternatively, the respondents will provide the complainant with copies of these records upon the payment of their cost, as required by §5 of P.A. 75-342 and the decisions of this Commission.
6. The complainant requests that the respondent department provide him with the specified information only and not with documents that, in his opinion are extraneous. Furthermore, at the hearing the complainant

requested that any fee for such information be waived under §5 of P.A. 75-342.

7. The respondents' tender of compliance, as stated in paragraph 5, above, meets the public-access requirements of P.A. 75-342 concerning public records, except as to the time for such compliance.

8. Because the complainant did not request that the respondents waive any fees under §5 of P.A. 75-342 prior to the filing of his complaint, this Commission cannot entertain his claim in that regard.

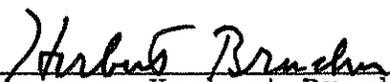
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. At the complainant's option, the respondents shall forthwith:

a. Permit the complainant to inspect all records, not otherwise exempt, containing the information requested, in accordance with §2(a) of P.A. 75-342; or

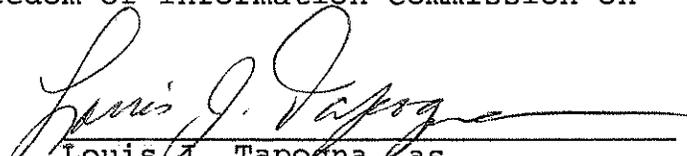
b. Provide the complainant with copies of such records upon the payment of costs as required by §5 of P.A. 75-342 and the decisions of this Commission.

2. Henceforth, the respondents shall adhere strictly to the time requirements of P.A. 75-342 for compliance with requests to inspect or copy public records.

  
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Commissioner Herbert Brucker

as Hearing Officer

Approved by order of the Freedom of Information Commission on September 8, 1976.

  
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Louis J. Tapogna, as  
Clerk of the Commission