

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Harry A. Weide, Complainant ) Report of Hearing Officer  
 )  
against ) Docket #FIC76-155  
 )  
Town of Stratford and the Strat- ) November 5 , 1976  
ford Housing Authority of the Town) )  
of Stratford, Respondents )  
 )

The above captioned matter was heard as a contested case on September 29, 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 as defined in §1(a) of P.A. 75-342.

2. By letter dated August 23, 1976 to the respondent housing authority complainant requested copies of a number of documents.

3. Having failed to receive compliance with the request at the time of this complaint dated September 1, 1976 and filed with this Commission on September 7, 1976, complainant treated this as a denial under §14 of P.A. 75-342.

4. On September 18, 1976 the respondent housing authority gave to the complainant copies of some of the documents requested.

5. The respondent housing authority does not have in its custody and control all of the documents requested.

6. However, it is found that the respondent housing authority does possess at least some of the documents requested and not yet tendered to the complainant pursuant to his request.

7. The respondent housing authority contended that it could not have acted any more quickly than it did in complying with the request because of a changeover in key personnel and the sickness of a secretary.

8. It is found that the failure to tender those documents found to be in the custody and possession of the respondent housing authority and not provided to the complainant at the time of this hearing constitutes a violation of §5 of P.A. 75-342.

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

1. The respondent housing authority shall forthwith provide the complainant with access to inspect or copy those documents which have not yet been tendered to the complainant and which are in the respondent housing authority's custody and possession.

2. Henceforth the respondent housing authority shall comply in all respects with the time requirements of §5 of P.A. 75-342.

  
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Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission  
on November 10, 1976.

  
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Louis V. Tapogna  
Clerk of the Commission