

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Catherine Blakeman, Report of Hearing Officer
 Complainant)
 Docket #FIC76-165
against)
 November 19, 1976
Town of Shelton and Town Clerk)
of the Town of Shelton,)
Beverly M. Brown, Respondents)

The above captioned matter was heard as a contested case on October 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 as defined in §1(a) of P.A. 75-342.
2. The complainant's letter of appeal to this Commission dated September 22, 1976 and filed herewith on September 23, 1976 alleges four separate requests by the complainant and denials therefrom by the respondents. Each request and denial will be treated seriatim hereinbelow.
3. On September 3, 1976 the complainant sent to the respondent Town Clerk a letter requesting to be personally notified, pursuant to §7 of P.A. 75-342, of all the meetings of the Board of Aldermen of respondent town. This request was received and filed in the office of the Town Clerk on September 9, 1976.
4. By letter dated September 10, 1976 the respondent Town Clerk notified the complainant in writing of two meetings scheduled for the week of September 13, 1976. This notice did not include the September 13, 1976 regular meeting of the Board of Aldermen.
5. It is found that the respondents denied notice to the complainant of the aforementioned September 13, 1976 meeting as required under §7 of P.A. 75-342.
6. On September 9, 1976 the complainant asked to inspect all of the file cabinets of the respondents. The respondents denied this request stating that if the complainant specified the information sought she would be allowed to inspect it subject to the respondents' supervision and control.
7. It is found that the complainant's request of September 9, 1976 lacked the necessary specificity to constitute a §2 request under P.A. 75-342.

8. Also on September 9, 1976 the complainant requested from the respondent town clerk a copy of the minutes of the August 23, 1976 meeting of the Board of Aldermen. At that time the assistant town clerk asserted that the document was not yet filed and the complainant appealed therefrom.

9. It is found that there was no August 23, 1976 meeting of the Board of Aldermen. Consequently, there was no denial of a right conferred by P.A. 75-342.

10. On September 15, 1976 the complainant requested of the respondent town clerk copies of a letter and an Order to Show Cause sent from the Freedom of Information Commission to the City of Shelton, Docket #FIC76-141. The respondent town clerk denied this request contending that these documents were not in her custody and possession.

11. It is found that the aforesaid documents were in the custody and possession of the respondent town clerk at the time of the aforementioned request and said denial constituted 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. Henceforth the respondent town clerk shall give notice by mail of each regular meeting to any person who has filed a written request therefor.

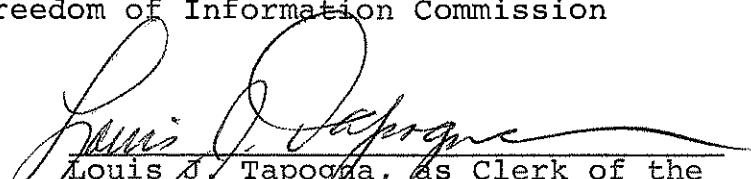
2. The respondent town clerk shall forthwith contact the complainant to ascertain whether she still desires the documents referred to in paragraph 10 above, and if so desired, promptly provide her with the requested copies. It is further advised that the respondent town clerk seriously consider the affirmative requirements of P.A. 75-342 concerning the availability of public records, and make every effort in the future to comply promptly with requests brought under this Act.

Judith A. Lahey

Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission
on November 24, 1976.


Louis J. Tapogna, as Clerk of the
Freedom of Information Commission