

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
John O'Callaghan, Complainant ) Report of Hearing Officer  
 )  
against ) Docket #FIC77-102  
 )  
City and Town of Middletown and ) June 15, 1977  
Director of the Fire Department )  
of the City and Town of )  
Middletown, Respondents )

The above captioned matter was heard as a contested case on June 9, 1977, at which time the complainant and the respondent director appeared and presented testimony, exhibits and argument in the complaint.

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

1. The respondents are public agencies as defined in §1-18a(a), G.S.
2. By letter dated May 6, 1977, the complainant requested from the respondents a copy of the minutes of the April 21, 1977 meeting of the fire commissioners of the respondent city and town.
3. Having failed to receive a response within four business days, the complainant filed the present appeal with this Commission on May 19, 1977, treating such failure as a denial of his rights under the Freedom of Information Act.
4. The complainant received the document requested in advance of this hearing. Disclosure of the same was therefore no longer a matter in controversy therein.
5. The sole remaining issue concerned the question of whether the respondents replied promptly to the complainant's request as required by §1-15, G.S.
6. The fire department of the respondent city and town has its own regular office or place of business.
7. The complainant misdirected his request of May 6, 1977 to the municipal building of the respondent city and town and it did not reach the fire department through an interagency delivery system until Friday or Saturday, May 19 or 20, 1977.
8. The envelope containing such request, which was addressed to the fire chief, was interpreted by the personnel of the fire department as being of a personal nature, and remained unopened until the fire chief's return the following Monday, May 22, 1977.

9. Thereupon, the fire chief promptly responded to such request with a full tender of compliance.

10. It is found that the respondents have replied promptly to the complainant's request as required by §1-15, G.S.

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

1. That the complaint be dismissed.

*Judith A. Lahey*  
\_\_\_\_\_  
Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
June 22, 1977.

*Mitchell W. Pearlman*  
\_\_\_\_\_  
Mitchell W. Pearlman as Acting  
Clerk of the Commission