

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
James McCarthy, Complainant) Report of Hearing Officer
)
against) Docket #FIC77-211
)
State of Connecticut; Department) November 23, 1977
of Environmental Protection of)
the State of Connecticut; and the)
Commissioner of the Department of)
Environmental Protection,)
Respondents)

The above captioned matter was heard as a contested case on November 17, 1977, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented evidence and argument on the complaint.

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

1. The respondents are public agencies as defined by §1-18a(a), G.S.
2. By letter dated September 27, 1977, the complainant requested the original application that the City of Bridgeport submitted to the B.O.R. (Bureau of Outdoor Recreation) with reference to the Waterfront Park Project.
3. By same letter, the complainant further requested the reason that the project in question was refused funding. This latter request was clarified by the complainant at hearing wherein the complainant stated that he is seeking copies of documents containing the reasons for such refusal of funding.
4. Having failed to receive a reply to his September 27, 1977 request, the complainant brought the present complaint by letter addressed to and filed with the Commission on October 31, 1977.
5. At hearing, the respondents agreed to provide the complainant with the entire contents of the requested application, consisting of 277 documents, at a fee of \$26.70.
6. The respondent also agreed to provide the complainant with any documents containing the written reasons for the refusal of funding of the Waterfront Project, if such documents exist.

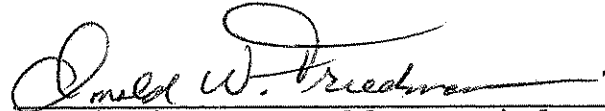
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondents shall provide the complainant with the 277 documents referred to in paragraph 2 and 5 of the Findings above within 7 days from the date of receipt of the complainant's prepayment of \$26.70, or, in the alternative, within 7 days from the date of receipt of complainant's application for fee waiver and a determination by the respondents that the complainant is an indigent individual.

2. If it is determined that the complainant is not an indigent individual, the respondents shall notify the complainant of the same, in writing, within four business days from the date of receipt of the complainant's application for fee waiver.

3. The respondents shall further provide the complainant with any documents containing the written reasons for refusal of funding, pursuant to the agreement outlined in paragraph 6 of the Findings above, if such documents exist in the respondents' files.

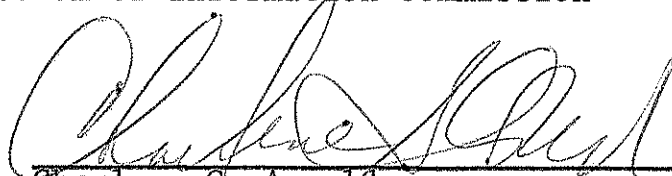
4. The time periods described in paragraphs 1 and 2 of the Order hereof, shall apply to the documents described in paragraph 3 of this Order. Any prepayment required with respect thereto, if any, shall not exceed twenty-five cents per page.



Commissioner Donald W. Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission
on December 19, 1977.



Charlene G. Arnold
Clerk of the Commission