

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by ) SH Tenants Association and ) Louis A. LaPrade, ) Complainants )	Final Decision
against )	Docket #FIC78-103
Housing Authority of the Town ) of Stratford, ) Respondent )	September 27, 1978

The above captioned matter was heard as a contested case on July 31, 1978, at which time the complainant appeared and the hearing was continued to August 9, 1978, August 14, 1978, and August 25, 1978, at which time the complainants and respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent authority is a public agency within the meaning of §1-18a(a), G.S.
2. By letter dated May 17, 1978, the complainant requested an ethnic breakdown on the background of tenants residing in the units maintained by the Stratford Housing Authority.
3. The requested records were not made available to the complainant prior to the hearing.
4. By complaint filed with the Commission June 2, 1978, the complainant claimed his rights of access to public records had been denied.
5. Prior to hearing the counsel for the respondent notified the Commission that the complainant had agreed to continue the hearing pending compliance.
6. The complainant appeared on July 31, 1978, and stated under oath that he had never agreed to a continuance.
7. Subsequently, the Commission rescheduled the hearing to determine whether the respondent had violated the Freedom of Information Act as codified in Chapter 3 of the Connecticut General Statutes by withholding access to the requested records and by not complying with the Commission's order to show cause by failing to appear on July 31, 1978.
8. The respondent asserted that the Commission lacked jurisdiction because the hearing had not been scheduled within the time limits set forth at §1-21i(b), G.S.

9. It is found that the time limits set forth at §1-21i(b), G.S. are directory and not mandatory and the Commission does have jurisdiction over the subject matter and the above-named parties.

10. The complainant failed to prove that the respondent had not obtained his agreement to a continuance.

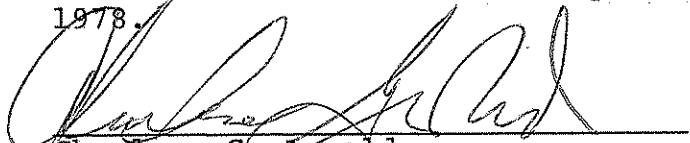
11. The respondent failed to prove that it had obtained the complainant's agreement to a continuance prior to hearing.

12. At the hearing the respondent agreed to provide the complainant with records pertaining to the composition of the housing population pursuant to stipulation.

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

1. The above captioned complaint is hereby dismissed.
2. The Commission considers violation of its order to show cause a serious matter. The reason the Commission has reached no decision in the instant case is that, while serious questions were raised at hearing regarding the testimony both of the complainant and the attorney for the respondent, neither party could provide the Commission with convincing proof of his claim that the other party had stated the facts inaccurately.

Approved by order of the Freedom of  
Information Commission on September 27,  
1978.



Charlene G. Arnold  
Clerk of the Commission