

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Frank Gennarini,)
Complainant) Report of Hearing Officer
against) Docket #FIC78-123
Town of Danbury; and the) September 27, 1978
Police Department of the)
Town of Danbury,)
Respondents)

The above captioned matter was heard as a contested case on September 7, 1978, at which time the complainant and the respondent department appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent department is a public agency within the meaning of §1-18a(a), G.S.
2. By letter of complaint filed with the Commission on June 26, 1978, the complainant alleged that he requested from the respondent department, and was denied, copies of certain records.
3. Such request was made by the complainant by letter dated June 16, 1978.
4. All but one of the records requested therein were destroyed by the respondent department prior to the complainant's request.
5. The sole remaining record concerns a complaint made out by the complainant herein against three named individuals on January 30, 1978. Said complaint was filed with the respondent department.
6. It was not proved that criminal charges were brought against the aforesaid individuals relating to such complaint.
7. It is therefore concluded that §54-90, G.S. does not provide an exemption to the disclosure of such record, as provided by §1-19(a), G.S.
8. It is also found that such record is not exempt from disclosure under §§1-19(b)(1) and 1-19(b)(2), G.S.
9. Such record therefore constitutes a public record as defined by §§1-18a(d) and 1-19(a), G.S.

10. It is further found that the complainant has been denied the right to receive a plain copy of such public record, as required by §1-15, G.S.

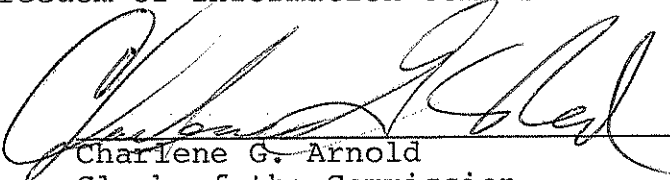
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondent department shall forthwith provide the complainant with a plain copy of the record discussed in paragraph 5 of the findings hereinabove as required by §1-15, G.S.


Commissioner Donald Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on
October 11, 1978.


Charlene G. Arnold
Clerk of the Commission