

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Bijan Bahramian,

Complainant
against

City and Town of Meriden; The
Planning Commission of the Town
of Meriden; and the Chairman of
the Planning Commission of the
Town of Meriden,

Respondents

Report of Hearing Officer

Docket #FIC79-220

February 26, 1980

The above captioned matter was heard as a contested case on February 14, 1980, 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 by §1-18a(a), G.S.
2. The complainant, at certain times, made requests for access to certain tapes and transcripts of the meetings of the respondent commission.
3. Such requests were not made to the respondent commission, but rather, were addressed to the Board of Ethics and the Ordinance Committee of the Court of Common Council, both of the respondent city and town.
4. Such requests were made on the information and belief, and in order to prove, that the information requested had previously been destroyed by the respondent commission.
5. In fact all of the requested information has been destroyed with the exception of the following:
 - a) the stenographic record of a May 1, 1978 hearing held by the committee of council;
 - b) two tape recordings of meetings held on October 5, 1978 and April 11, 1979 by the respondent commission.

6. The Commission is without authority over the alleged violation of statutes relating to the retention and destruction of public records. This is particularly true when such destruction occurs prior to a Freedom of Information request. Where destruction occurs after such a request, the Commission has jurisdiction because such destruction may constitute a wilful denial of a claimed right of access to public records.

7. Furthermore, a proper request under the Freedom of Information Act must be made to the public agency or public official who has custody or control over the records requested.

8. At hearing, the respondent commission promised to make the records described in paragraph #5 of the Findings hereinabove available to the complainant.

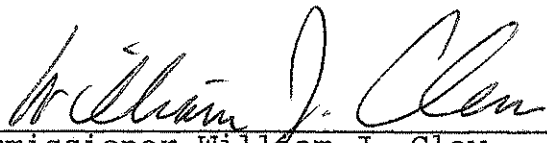
9. The stenographic record of the May 1, 1978 hearing, referred to in paragraph 5(a) of the Findings above, will require a transcription by the official court stenographer who kept a record of such hearing.

10. The complainant contends that such transcription must be provided to him free of charge.

11. It is found that §1-15, G.S. permits the respondent commission to charge its cost for providing such transcription. In this regard, such cost will be the fee charged to it by the official court stenographer who shall prepare the requested transcription.

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

1. The case is hereby dismissed.



Commissioner William J. Clew
as Hearing Officer

Approved by order of the Freedom of Information Commission on March 12, 1980.



Leslie Ann McGuire
Clerk of the Commission