

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Richard Hollaran

FINAL DECISION

Complainant

Docket #FIC83-23

against

August 4, 1983

Town of Greenwich; Assistant
Town Attorney of the Town of
Greenwich,

Respondent

The above captioned matter was heard as a contested case on April 25, 1983 at which time the complainant and the respondent town attorney appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire matter the following facts are found:

1. The respondent town attorney is a public agency within the meaning of §1-18a(a), G.S.

2. By letters dated February 1, 1983 the complainant made requests of the planning and zoning commission and of the first selectman of the respondent town for access to inspect and copy the so-called "Rosenwald House site plan files."

3. Subsequent to February 1, 1983 the complainant became aware that the requested files were within the control of the respondent town attorney.

4. On February 8, 1983 the complainant made a request by telephone of the respondent town attorney for access that day to the files in question. The respondent town attorney told the complainant that the files would not be made available to him on that date, but that the complainant could make an appointment to review the file later in the week or early the next week.

5. By letter of complaint filed with the Commission on February 14, 1983 the complainant appealed the failure of the respondent town attorney to provide him with access to the Rosenwald files on the date of his request.

6. Approximately one week after the complainant's February 8, 1983 telephone request the complainant granted access to the planning and zoning Rosenwald file in its entirety.

7. The first selectman's office maintains no file on the Rosenwald House .

8. It is found that demolition of the Rosenwald House was, prior to the complainant's request, the subject of litigation involving the complainant as one of several plaintiffs and the respondent town as defendant.

9. Although the court case involving the Rosenwald House was withdrawn on or after January 31, 1983, the respondent town attorney wished to review the file prior to releasing it to the complainant to ensure that none of the documents contained therein were exempt from disclosure.

10. The respondent town attorney intended to arrange a meeting with the complainant and Mr. Sandy, the town planner, for the complainant's review of the Rosenwald file.

11. However, conflicts in the respondent town attorney's schedule, in combination with illness of the town planner delayed the complainant's access to the file.

12. It is found that the complainant was given access to the requested files as soon as possible after his February 8, 1983 request.

13. It is concluded that under the circumstances the complainant was not denied prompt access to the requested file within the meaning of §§1-15 and 1-19(a), G.S.

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

1. The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its regular meeting of July 27, 1983.


Mary Jo Jolicoeur
Clerk of the Commission