

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Raymond Baginski,

FINAL DECISION

Complainant

Docket #FIC83-32

against

July 21, 1983

Town Council; Board of Tax
Review of the Town of
Southington,

Respondent

The above captioned matter was heard as a contested case on April 20, 1983 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. By letter dated February 14, 1983 and presented to the respondents on February 16, 1983 the complainant made a request for a list of the names of taxpayers who had made appointments with the respondent board to appeal their revaluation assessments. Although not explicitly stated, the letter was also intended as a request for the number of phone calls made to the respondent board regarding appeals of assessments.
3. By letter of complaint dated February 28, 1983 and filed with the Commission on March 4, 1983, the complainant alleged that he had received no response to his February 14, 1983 letter, and appealed the denial of such request.
4. By letter dated February 24, 1983 the Chairman of the respondent board informed the complainant that the requested list would not be provided "as the taxpayer interviews are considered private."
5. It is found that following the completion of property revaluations in Southington the respondent board publicized the two telephone numbers for taxpayers to call to make appointments to appeal the assessment of their property.

6. Clerks were assigned to answer the telephones and record the names of the persons wishing to appeal. The respondent board then mailed out an appeal form and notice of hearing to those individuals requesting appointments with the respondent board.

7. The respondent board claims that the only record of the total number of people who have taken appeals and their names is contained in is the collection of appeal forms completed by the appellant taxpayers and submitted to the respondent board. The respondent board claims that the appeals forms are exempted from disclosure by §1-19(b)(1), G.S.

8. It is found, however, that the complainant's interest is not in a list of those individuals who were scheduled for appointments with the respondent board, but for a list of those who telephoned the designated numbers.

9. The respondent board claims that although there at one time existed a list of individuals who telephoned the respondent board to appeal their assessments, that list no longer exists.

10. It is therefore concluded that the respondents did not violate §§1-15 and 1-19(a) by failing to provide the complainant with a copy of the requested list or a record of the number of people who telephoned.

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.
2. Nothing contained herein shall be construed as commenting upon whether the appeals forms filed by appellant taxpayers are exempted from disclosure, as claimed by the respondents.

Approved by order of the Freedom of Information Commission at its special meeting of July 8, 1983.



Mary Jo Jolicoeur
Clerk of the Commission