

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Steven Reilly,

FINAL DECISION

Complainant

Docket #FIC83-110

against

Licensing Unit of the Department
of Mental Retardation,

February 8, 1984

Respondent

The above captioned matter was heard as a contested case on August 22, 1983 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint. On October 25, 1983 the hearing was reconvened to allow testimony from the Commissioner of the Department of Mental Retardation.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. On or about February 24, 1983 a representative of the respondent, Ms. Catherine Stevens, attended a meeting with former employees of the Pathfinder's Group Home (hereinafter "Pathfinders"), held at the Valley Association for Retarded Adults.
3. By letter (undated) to Ms. Stevens the complainant made a request for copies of her notes of such meeting, as well as of all interdepartmental memos, documents, reports or other records concerning the inspectors' visits to the group home.
4. By letter dated May 27, 1983, Ms. Stevens forwarded several of the requested documents to the complainant, but withheld her notes of the February 24, 1983 meeting, which notes had not been incorporated into the "official Pathfinder's file."
5. It is found that the respondent maintains files on each private licensed facility under its jurisdiction.
6. A complaint was received by the respondent regarding Pathfinders, and an investigation followed. A final report was prepared and placed in the Pathfinders file, which report recited the allegations, the nature of the investigation and the conclusion. The conclusion was that the allegations were not supported by evidence. Such report did not contain the names of the complaining persons.

7. The notes taken by Ms. Stevens on February 24, 1983 reflect the names of complaining persons.

8. It is found that, typically, complaints are brought to the attention of the respondent by current employees of facilities.

9. The respondent claims that the effect of releasing the names of complaining persons would be the deterrence of future complaints out of fear of retaliation.

10. The respondent also claims that Ms. Stevens's notes of the February 24, 1983 meeting are preliminary drafts or notes, exempted from disclosure by §1-19(b)(1), G.S.

11. It is found that the records in question are personal notes taken by Ms. Stevens to assist her in monitoring the progress of the investigation of the complaints against Pathfinders.

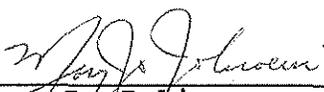
12. It is further found that the respondent made a determination that the public interest in withholding the notes and avoiding the deterrence of future complaints outweighed the public interest in disclosure.

13. It is therefore concluded that the requested records are exempted from disclosure by §1-19(b)(1), 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 February 8, 1984.



Mary Jo Jolicoeur
Clerk of the Commission