

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by                   FINAL DECISION  
John M. Sepelak,

Complainant   Docket #FIC83-141

against

April 11, 1984

Stratford Housing Authority

Respondent

The above captioned matter was heard as a contested case on October 11, 1983 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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. By letter of complaint filed with the Commission on July 12, 1983 the complainant alleged that the respondent had denied him access to the following documents: a semi-annual financial statement dated December 31, 1982; a quarterly report dated March 31, 1983; the 1983 federal operating budget; and the respondent's response to a HUD management review dated August 8, 1982.
3. At hearing the complainant made a request to amend his complaint to allege that the fee charged by the respondent for copies of documents, at 25¢ per page, was excessive. The complainant's request was denied.
4. It is found that on June 15, 1983 the complainant approached the respondent with a request for the documents listed above.
5. Acting upon advice of counsel, the acting director of the respondent informed the complainant that the respondent had up to 4 days to respond to a request for records, and that if the complainant would sign and date his request the request would be processed.
6. The complainant thereupon left the offices of the respondent, taking his request with him. The complaint to this Commission was based upon the June 15, 1983 exchange.
7. Since the filing of the complainant's complaint the requested records have been prepared and offered to the complainant.

8. At a June 14, 1983 meeting of the respondent, the complainant asked a member of the respondent if the documents referred to at paragraph 2, above, were available, and was told that they were. The complainant, therefore, alleges that the failure of the respondent to provide the requested documents immediately upon request violated §§1-15 and 1-19(a), G.S.

9. It is found, however, that at the time of the complainant's inquiry the director of the respondent voiced reservations about the disclosure of the documents.

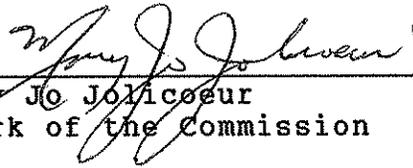
10. It is found that the respondent's stated reason for failure to provide immediate access to the records reflected a misinterpretation of §1-21i(a), G.S. However, given the director's hesitation and his desire to review the issue of disclosability, the respondent's failure to immediately provide the complainant with the requested records cannot be found to have been a denial of prompt access within the meaning of §§1-15 and 1-19(a), G.S.

11. It is further found that when the complainant left the offices of the respondent on June 15, 1983 he effectively withdrew his request, and that the respondent's failure to thereafter offer the documents did not violate §§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 April 11, 1984.

  
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Mary Jo Jolicœur  
Clerk of the Commission