

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Mark J. Sevetz,

FINAL DECISION

Complainant

Docket #FIC84-12

against

July 11, 1984

Town of Wethersfield, Assistant
Fire Chief McAuliffe of the Town
of Wethersfield, and Town
Attorney Christensen
of the Town of Wethersfield,

Respondents

The above captioned matter was heard as a contested case on
May 1, 1984, at which time the complainant appeared but the
respondents failed to appear.

1. The respondents are public agencies within the meaning
of §1-18a(a), G.S.

2. In February, 1980 and again on May 6, 1982, the
complainant applied for membership in the Wethersfield fire
department, which applications were denied.

3. By letter dated January 9, 1984 the complainant made a
request of the Wethersfield fire department for access to all
records compiled in connection with the complainant's
application for membership and the denial thereof, including all
correspondence between the town attorneys.

4. By letter of complaint filed with the Commission on
January 24, 1984 the complainant appealed the denial of his
January 9, 1984 request.

5. By letter dated January 19, 1984 but not received by the
complainant until after the filing of his complaint, the
complainant was informed by the respondent assistant fire chief
that the division of fire had no records relating to the
complainant's application.

6. By letter dated February 26, 1984 the complainant
informed the Commission that he did not wish to withdraw his
complaint.

7. By letter dated March 26, 1984 the complainant was
informed by M. Jane Christensen, counsel for the Town of
Wethersfield, that she had possession of the complainant's files

and that the complainant's application for membership and any letters or documents relating thereto were in her files and would be available to the complainant, with the exception of records constituting the work product of herself or Robert Cathcart, former counsel for the Town of Wethersfield. Subsequent to the receipt of Ms. Christensen's letter, the complainant received a packet of documents relating to his applications for membership in the Wethersfield fire department.

8. It is found that the respondents violated §1-15 and 1-19(a), G.S., when they failed to provide the complainant with prompt access to records relating to his applications for membership with the Wethersfield fire department. The Commission notes, however, that such violation was largely due to confusion over the location of the complainant's files.

9. Due to the absence of the respondents at the hearing, it was not made clear whether all records relating to the complainant's applications had been made available to him.

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

1. The respondents shall forthwith provide the complainant with any records not already provided pertaining to his applications for membership in the Wethersfield fire department and the denials thereof.

2. The respondents shall also, within one week of the final decision in the above matter, provide the complainant with an affidavit stating that a diligent search for all records relating to the complainant's applications has been conducted and that all such records have been provided.

Approved by order of the Freedom of Information Commission at its regular meeting of July 11, 1984.


Mary de Jolicoeur
Clerk of the Commission