

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Rita Shannon,

FINAL DECISION

Complainant

Docket #FIC84-15

against

May 23, 1984

Finance Director of the Town of
East Haven,

Respondent

The above captioned matter was heard as a contested case on March 12, 1984 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. On November 14, 1983 the complainant made a request of the respondent for copies of the following documents:

- a. Purchase orders for account #01-224-379 for the fiscal years 1981 to 1982 and 1982 to 1983.
- b. Gulf Oil bills from January, 1983 to June, 1983.
- c. Gas consumption records from January, 1983 to June, 1983.
- d. The record of the total expenditure for account #01-224-379 for the fiscal year 1982 to 1983.

3. By letter dated November 21, 1983 the respondent informed the complainant that because the requested records had been put in permanent storage, it would require "some time" to comply with her request. The respondent proposed a schedule of providing a minimum of ten pages per week beginning December 2, 1983, and requested that the estimated cost of \$25.00 for the copies be paid in advance.

4. On November 22, 1983 the complainant paid for the records as requested by the respondent. The first set of records was provided to the complainant on December 2, 1983. For the next ten weeks the complainant received, weekly, between 10 and 14 documents from the respondent.

5. By letter dated January 30, 1984 the complainant informed the respondent that she wanted all of the records requested, and that she felt that the respondent had taken an unreasonable amount of time to provide them.

6. By letter of complaint filed with the Commission on January 31, 1984 the complainant alleged that the respondent had denied her access to "the rest of the records" requested on November 14, 1983. The complainant also indicated that the records had not been received promptly.

7. By letter dated February 14, 1984 the respondent informed the complainant that as of that date she had been provided with all of the records requested.

8. The complainant's claim that she has not been provided with all records requested is based upon an alleged discrepancy between amounts reflected in invoices and expenditures and amounts reflected in purchase orders.

9. It is found, however, that the respondent conducted a thorough search of its files and that the complainant had, as of February 10, 1984 received all records requested.

10. It is further found that the schedule proposed by the respondent on November 21, 1983 was based upon his anticipation of the difficulty of retrieving the requested records. The respondent's secretary spent approximately 2 to 3 hours per week on the task of providing the complainant with the requested records.

11. It is found that the respondent provided the complainant with the records requested in accordance with the schedule proposed on November 21, 1983. It is found that absent a deviation from the schedule proposed by the respondent and agreed to by the complainant, any denial of prompt access must have occurred on November 21, 1983.


12. The complainant did not, within 30 days of November 21, 1983 file a complaint with this Commission.

13. It is therefore concluded that the Commission lacks jurisdiction to consider the complainant's allegation that the records were not provided in a timely manner.

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 May 23, 1984.



Mary Jo Jolicœur
Clerk of the Commission