

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION
C. J. Mozzochi,

Complainant Docket #FIC84-54

against

December 20, 1984

Fire Marshal of the Town of
Glastonbury,

Respondent

The above captioned matter was heard as a contested case on May 24, 1984 and continued to October 25, 1984 at which times 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 dated March 26, 1984 the complainant made a request of the respondent for commercial property fire inspection reports and letters of notice of violation "that are presently or will be in the possession of the Town for the time interval January 1, 1980 through and including December 31, 1986."
3. By letter of complaint filed with the Commission on April 2, 1984 the complainant appealed the denial of his request.
4. At the October 25, 1984 hearing, the complainant indicated that his request was for any and all abatement orders existing as of the date of hearing and did not include records to be generated in the future.
5. Pursuant to his request the complainant received from the respondent some, but not all, of the requested abatement orders.
6. At the October 25, 1984 hearing the respondent offered to provide the complainant with all of its abatement orders 30 days after their issuance. The complainant agreed to accept the respondent's offer.
7. The complainant, however, requested the imposition of a civil penalty pursuant to §1-211(b), G.S. on the ground that the respondent waited approximately 5 months to make its offer of settlement.

8. It is found that although a 30 day waiting period was not specifically mentioned prior to October 25, 1984, at the hearing held on May 24, 1984 the respondent offered to provide the complainant with access to its "closed" files but claimed that its "open" files were exempted from disclosure.

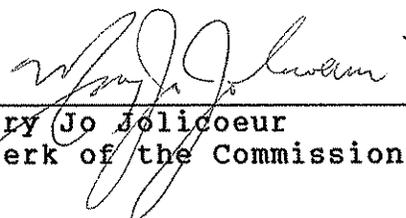
9. The complainant's request for the imposition of civil penalties is therefore denied.

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

1. The respondent shall forthwith provide the complainant with copies of abatement orders issued from January 1, 1980 through October 25, 1984. Pursuant to the parties' agreement the respondent may withhold such orders for 30 days following their issuance.

2. The Commission notes that because its order is based entirely upon an agreement between the parties, such order is strictly limited to the facts of the above matter.

Approved by order of the Freedom of Information Commission at its regular meeting of December 12, 1984.



Mary Jo Jolicoeur
Clerk of the Commission