

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

Imre J. Lantos

FINAL DECISION

Complainant(s)

vs.

Docket #FIC84-56

Zoning Enforcement Officer of
the Town of Newtown

July 11, 1984

Respondent(s)

The above entitled matter was scheduled for hearing May 29, 1984 at which time the parties appeared and presented evidence 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 21, 1984 the complainant requested copies of cease and desist orders issued to apartment owners in Newtown during the last five years.
3. After receiving no response the complainant filed a complaint with the Freedom of Information Commission by letter dated April 6, 1984.
4. On the day of the hearing none of the requested documents had been provided to the complainant.
5. The respondent claimed that the complainant had not been denied the records and that he could have the documents if he would go through the files of the respondent zoning enforcement officer.
6. The respondent further claimed that the complaint was filed solely for purposes of harassment by the complainant because the request was made on the eve of a trial involving the complainant and respondent, and because the respondent does not have sufficient manpower to respond to the complainant.
7. The trial in fact began on April 10, 1984 and lasted for three days.

8. The complainant sought the records to see if statements quoted in the newspaper concerning "hundreds of illegal apartments in town" were true.

9. It is found that the complaint was not filed solely for purposes of harassing the respondent agency.

10. §1-15, G.S. provides in relevant part that "[a]ny person applying in writing shall receive promptly upon request, a plain or certified copy of any public record."

11. It is found that the records sought by the complainant are public records within the meaning of §1-18a(d) and §1-19(a), G.S.

12. Section 1-21i(a), G.S. provides:

any denial of the right to inspect or copy records provided for under section 1-19 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request. Failure to comply with a request to so inspect or copy such public record within four business day period shall be deemed to be a denial.

13. Nothing in the Freedom of Information Act permits a public agency to deny copies of public records because its staff is limited, nor does any section of the statute permit the agency to require a person to search for the records himself.

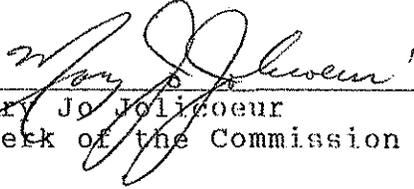
14. It is found that the respondent violated §1-15 and §1-19(a), G.S. by failing to provide the complainant with the requested records.

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

1. The respondent shall provide the complainant with copies of the requested records within one week of receipt of the final decision of this Commission.

2. It is observed in the light of the testimony regarding understaffing of the respondent agency that the town could have been saved both lawyer's fees and a half day of working time simply by complying with the complainant's request in a timely manner.

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



Mary Jo Jolicœur
Clerk of the Commission