

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Chris Bowman and
The Hartford Courant

FINAL DECISION

Complainants

Docket #FIC 84-143

against

January 16, 1985

Connecticut Department of Transportation
and Deputy Commissioner William A. Lazarek

Respondents

The above captioned matter was heard as a contested case on November 8, 1984 at which time the complainants and the respondents appeared, stipulated as to certain facts and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record the following facts are found:

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

2. By letter to the respondent deputy commissioner dated July 24, 1984, the complainant Bowman requested to see or obtain copies of underwater bridge inspection reports submitted to the respondent department by two consultants.

3. By letter to the complainant Bowman dated July 26, 1984, the respondent deputy commissioner stated that the requested reports would be made available after the respondent department's staff had reviewed the reports and, in the case of town bridges, after the towns had been notified of the results of the inspections.

4. By letter dated and filed with the Commission on July 30, 1984, the complainants alleged that the respondents had denied the request to see and copy public records in violation of the Freedom of Information Act.

5. Subsequent to the filing of the complaint herein, the respondents provided the complainants with copies of the requested reports.

6. It is found that after the underwater bridge inspection reports are submitted by the consultants to the respondent department, staff members of the respondent department review the reports to determine if additional inspections are necessary and to formulate recommendations for bridge repairs.

7. The respondents claimed that they have a responsibility to review bridge inspection reports before releasing them to the public in order to avoid releasing misleading information that could cause public panic or other disruption.

8. The respondents claimed that they have a responsibility to notify towns of the condition of town-owned bridges before releasing the reports to the public.

9. The respondents cited no statutory authority for their decision to delay releasing the consultants' bridge inspection reports.

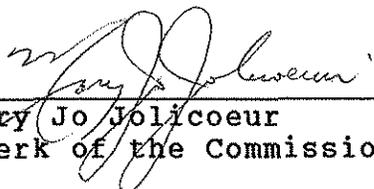
10. It is concluded that the respondents violated §§1-15 and 1-19(a), G.S., by failing to make available the requested public records promptly upon request.

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

1. Henceforth the respondents shall comply strictly with the provisions of §§1-15 and 1-19(a), G.S., by making consultant bridge inspection reports available to the public for inspection and copying promptly upon request.

2. The Commission advises that failure by the respondents to promptly provide copies of bridge inspection reports in the future could result in the imposition of civil penalties of not less than twenty nor more than one thousand dollars, pursuant to §1-21i(b), G.S.

Approved by order of the Freedom of Information Commission at its special meeting of January 16, 1985.



Mary Jo Jolicoeur
Clerk of the Commission