

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

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

FINAL DECISION

Complainant

Docket #FIC85-143

against

The Town Manager of the Town
of Glastonbury, and the Town of
Glastonbury,

January 22, 1986

Respondents

The above captioned matter was heard as a contested case on October 31, 1985 at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent town manager is a public agency within the meaning of §1-18a(a), G.S.

2. By letter dated March 21, 1985 the complainant made a request of the respondent for access to inspect "all financial and correspondence records" of the Town of Glastonbury for the fiscal years 1980 through 1985. The complainant further requested that if any records were to be withheld that the respondent identify the records to enable the complainant to request this Commission for a ruling on the issue.

3. The complainant also asked the respondent to send him a letter "in which you list the addresses of each and every Town building that contains the [requested] documents . . . and the name of each Town employee who is in charge of those documents at each building" and that the respondent send the complainant a letter "clearly and unequivocally" stating that the Town of Glastonbury would allow the complainant to inspect any and all of the requested documents which the Town did not claim in writing were exempted from disclosure.

4. By letter of complaint filed with the Commission on April 15, 1985 the complainant requested a hearing on his letter to the respondent.

5. By letter dated April 23, 1985 the complainant was advised by the Commission that under the Freedom of Information Act a public agency is not required to create documents and was asked to indicate whether he had been denied access to inspect documents as requested.

6. By letter dated April 25, 1985 the complainant indicated his belief that his letter alleged a valid complaint. Attached to the April 25, 1985 letter were two letters from the respondent to the complainant. A December 21, 1984 letter indicated in pertinent part:

[T]he [Town] records in general are open to you and the public. I would like to reiterate, however, that your inspection should be done in such a fashion as to not disrupt routine business and that we have no intention of researching or categorizing records for you. You can, of course, inspect the files in the manner in which they are maintained by the Town.

A February 14, 1985 letter, written in response to a February 9, 1985 letter from the complainant, indicated in pertinent part:

1) You are not entitled under the law to unlimited access to all the documents in all the departments of the Town. Therefore, the town will continue to operate within the applicable legal guidelines to the best of our ability.

2) The Town does not have the position that it is going to give you "maximum aggravation" on any of your requests. We will respond to your requests appropriately as defined by the FOIC and/or the guidance of the Town Attorneys. We have no other alternative.

7. On April 24, 1985 the respondent sent the complainant a letter in which he stated, with respect to the complainant's March 21, 1985 letter:

[S]ince we have already informed you several times in the past that you are free to come to the Town Hall during normal business hours and review public records maintained by the Town, we fail to understand the purpose of your letter. In any event, if you wish to make arrangements to come to Town Hall, please specify what files you are interested in, and we will do our best to accomodate you.

8. It is found that nothing in the Freedom of Information Act requires a public agency to prepare an "audit" of its records, such as has been requested by the complainant.

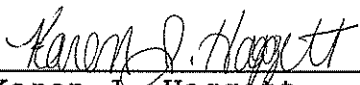
9. It is further found that the respondent has not denied the complainant access to inspect any requested records.

10. It is concluded that the respondent's responses to the complainant's requests regarding access to all financial records and correspondence did not violate §1-19(a), G.S.

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 January 22, 1986.



Karen J. Haggett
Clerk of the Commission