

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
New Haven Journal-Courier,)
Complainant) Report of Hearing Officer
against) Docket # FIC75-30
State Board of Registration) January 22, 1976
for Professional Engineers)
and Land Surveyors,)
Respondent)

The above captioned matter was heard as a contested case on January 15, 1976, 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 as it is an executive agency of the State of Connecticut.

2. By letter dated December 11, 1975, the complainant requested access to inspect certain records of the respondent concerning the registration of two engineers, John K. Sasnett and Suresh R. Patel.

3. By letter dated December 17, 1975, the complainant appealed to this Commission from the failure of the respondent to comply with such request.

4. Subsequently, the respondent complied with a portion of the complainant's request and this appeal is therefore limited to the respondent's denial of access to the complainant to inspect the applications by, and statements of endorsement concerning, the above-named engineers.

5. The respondent contends that the records herein requested are exempt from disclosure under section 2(b)(1) of P.A. 75-342. That section, in pertinent part, provides that "Nothing in this act shall be construed to require disclosure of...personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy...." This argument is rejected on the basis that the respondent offered no evidence that disclosure of the particular records herein sought would constitute an invasion of the aforesaid engineers' personal privacy. In this regard, it should be noted that both engineers were, in fact, granted registration by the respondent.

6. The respondent further contends that the requested endorsements should not be disclosed because the respondent, pursuant to its long-standing policy, promised the endorsers that their statements would be held in confidence. While this policy of confidentiality is understandable in order for the respondent to obtain uninhibited recommendations, neither P.A. 75-342 nor any other statute authorized the respondent to create such an exemption by its own act of solicitation. No such delegation of authority was contemplated by the General Assembly.

7. The Commission concludes that the requested applications and endorsements are public records to which the complainant must be given access under P.A. 75-342.

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

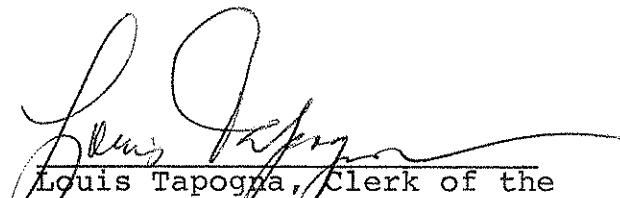
1. The respondent shall forthwith make available to the complainant for inspection or copying the applications by, and statements of endorsement concerning John K. Sasnett and Suresh R. Patel, as more particularly specified in the complaint.

2. The complainant shall be permitted to conduct such inspection during the normal business hours and at the office of the respondent.


Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission
on January 27, 1976.


Louis Tapogna, Clerk of the
Commission