

Freedom of Information Commission
of the State of Connecticut

In the matter of a complaint by)
Richard L. Judd, Ph.D., Complainant) Report of Hearing Officers
Against) Docket # FIC75-5
Joseph E. Kane, as Assessor of the) November 18, 1975
City of New Britain

The above captioned matter was heard as a contested case on November 12, 1975, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the evidence the following facts are found:

1. The respondent is a public agency as defined in Section 1(a) of P.A. 75-342, as he is the Assessor of the City of New Britain.
2. By letter dated October 6, 1975, the complainant requested from the respondent a copy of "the reassessment figures and data as pertains to my house located at 140 Adams Street. Specifically, it is requested that I be immediately advised as to the amount at which this property has been or will be valued or revalued..." (Emphasis added).
Complainant's Exhibit 1.
3. By letter dated October 7, 1975 (which according to the complainant's uncontroverted testimony was received on October 8, 1975), the respondent denied said request on the grounds that

"As a private agency is handling the reassessment for the City..., we cannot seek out information for you as they are not covered under...Public Act 75-342. In view of the fact that this is a mass appraisal of all properties in the City..., release of all assessments will be made at the same time for the good of the city and to eliminate any confusion in the release of said assessments."

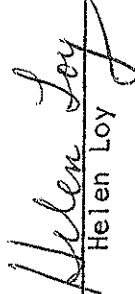
Complainant's Exhibit 2.

4. The complainant's Notice of Appeal herein was duly served upon the respondent and received and filed by this Commission on October 22, 1975.

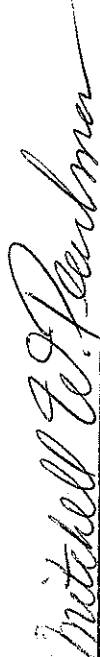
5. The information requested, as it relates to the appraisal of the complainant's property, was, or is to be provided to the respondent by the United Appraisal Co., pursuant to a contract with the City of New Britain. Complainant's Exhibit 4.
6. A periodic delivery of the completed appraisal cards by the United Appraisal Co. was to be made to the Assessor prior to November 1, 1975, as the work was completed. Complainant's Exhibit 4.
7. Such periodic delivery of appraisal cards for residential property was made by the United Appraisal Co. although it is not known whether the appraisal card for the complainant's property was so delivered. (The respondent's testimony in this regard was somewhat inconsistent. At one point he stated that the appraisal was incomplete. At another point he stated that he did not actually determine whether the appraisal of the complainant's property was either delivered or completed).
8. The appraisal undertaken on behalf of the City of New Britain by the United Appraisal Co. is to determine the fair market value of certain real and personal property located within that city for the purposes of a property tax re-assessment or equalization project for the New Britain Grand List of September 1, 1975. Testimony of the respondent.
9. The re-assessment or equalization project as to residential property within the City of New Britain was not completed as of October 6, 1975. Testimony of the respondent.
10. Whereas "preliminary drafts or notes" are specifically exempted by Section 2(b)(1) of P.A. 75-342 from the definition of public record as stated in Section 1(d) of that Act, any appraisal of the complainant's property standing in its own right prepared, owned, used, received or retained by the respondent public agency as of October 6, 1975 is such a public record and is not specifically exempted either by Section 2(b)(1) or Section 2(b)(6) of said Act.

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

1. The respondent immediately release to the complainant any complete appraisal or appraisal figures related to said complainant's property located at 140 Adams Street, New Britain, Connecticut and prepared, used, received or retained by said respondent for the purposes of the re-assessment or equalization project undertaken by the City of New Britain or by the United Appraisal Co. on behalf of said city.
2. Nothing herein shall be construed to require the respondent to release to the complainant any preliminary drafts or notes concerning said re-assessment or equalization project except as is herein specified.



Helen Loy



Mitchell W. Pearlman, Esq.

Hearing Officers

Approved by order of the Freedom of Information Commission on
December 10, 1975.



Louis Tapogna, Clerk of the Commission