FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by William J. Kimball, Complainant against State of Connecticut and State Board of Registration for Professional Engineers and Land Surveyors, Respondents	Report of Hearing Officer Docket #FIC76-211 January 4, 1977

The above captioned matter was heard as a contested case on December 3, 1976, 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 respondents are public agencies as defined in §1(a) of P.A. 75-342.

2. On December 3, 1976, the complainant asked the clerk of the respondent board to inspect certain applications filed by persons requesting to practice engineering in Connecticut, and more particularly, the applications of two named individuals.

3. Because access was not granted at that time, the complainant appealed to this Commission by letter filed December 7, 1976.

4. The documents requested are public records within the meaning of §1(d) of P.A. 75-342.

5. By letter dated December 21, 1976, the respondent board complied with the complainant's request by notifying him that the applications and endorsements of the aforesaid two named individuals, would be available to him for inspection and copying at any time thereafter, Monday through Friday, during normal business hours.

6. It is found that the respondent board's failure to notify the complainant, as above, within four business days of his December 3, 1976 request violated the time requirements of §14(a) of P.A. 75-342.

7. The respondent board's letter of December 21, 1976 indicates that it postponed deciding whether or not to grant access to the complainant pursuant to his December 3, 1976 request until its December 17, 1976 meeting. It should be noted that at the hearing on this complaint the respondent board promised in the future to make this decision within four business days of such request.

8. It is further found that the respondent board's tender of compliance violated the time requirements of §2(a) of P.A. 75-342. It is clearly unreasonable to include in its time determination, as here, a scheduled agency meeting occurring some weeks after a request to inspect or copy records.

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

1. Henceforth, the respondent board shall comply in all respects with the time requirements of §2(a) and §14(a) of P.A. 75-342.

Judith A Lahey
Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on January 12, 1977.

Louis J. Tapogna
Louis J. Tapogna as Clerk of the Freedom of Information Commission