FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Helen Dutcher, Complainant	Report of Hearing Officer
against	Docket #FIC76-228
Town of Salem and Board of Selectmen of the Town of Salem, Respondents	January 31, 1977

The above captioned matter was heard as a contested case on January 21, 1977, 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 §§1-18a(a), General Statutes.

2. By letter dated and delivered November 29, 1976, the complainant requested from the respondent board a copy of a proposed ordinance that was to be discussed at a special town meeting of the respondent town on December 1, 1976.

3. The document requested is a public record within the meaning of §§1-18a(d), General Statutes.

4. The letter of request was first delivered to the clerk of the respondent town on November 29, 1976, who, that same day, placed it under the door of the office of the respondent board.

5. On the evening of November 29, 1976, the clerk spoke with the first selectmen who acknowledged having received the aforesaid request.

6. At 2:00 p.m. on December 1, 1976, the first selectman noticed the same written request lying on his desk.

7. The first selectman's response to the above was to bring some extra copies of the requested document to the special town meeting to be held at 8:00 p.m. on December 1, 1976.

8. At the December 1, 1976 special town meeting, the first selectman observed the presence of the complainant.

9. In distributing the extra copies of the requested ordinance, the first selectman passed over the complainant and the same did not become available to her until she renewed her request at the conclusion of the meeting.

10. From these actions, the complainant has appealed to this Commission and alleged that she did not receive the requested document in proper time.

11. It is found that the respondent board was in violation of the time requirements of §1-15, General Statutes.

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 §1-15, General Statutes.

Helen M. Loy

Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on February 9, 1977.

Louis J. Tapogna

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