Freedom of Information Commission of the State of Connecticut

| In the Matter of a Complaint by |) | |
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| Robert C. Hunt, Jr., Complainant |) | Report of Hearing Officer |
| against |) | Docket #FIC 76-59 |
| State of Connecticut; and Connecticut; Development Authority, Respondents | | May 13 , 1976 |

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The above captioned matter was heard as a contested case on April 27, 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 they are the State of Connecticut and the Connecticut Development Authority (hereinafter referred to as CDA).
- 2. By letter dated March 25, 1976, the complainant requested of the respondent CDA certified copies of the following documents concerning the insuring of a first mortgage loan under the provisions of §§ 32-15 and 32-16, gen. stats., and based upon an application submitted by Central Metal Industries, Inc.:
 - (1) That portion of the records of the CDA which identifies the real estate (land, buildings and improvements but not including machinery and equipment) to be mortgaged to the approved mortgagee and insured by the CDA under the provisions of § 32-16(a), gen. stats.
 - (2) Each appraisal of the real estate, as defined in paragraph 2(1), above, submitted to the CDA for the purpose of determining whether the property to be mortgaged to the approved mortgagee is of sufficient value (cost of project) to be entitled to a CDA insured mortgage in the amount of \$10,000,000 under the provisions of \$32-16(a)(2), gen. stats.
 - (3) Such portion of the records of the CDA which identifies the proposed mortgagee.
 - (4) That portion of the records of the CDA which shows that the proposed mortgagee has been approved by the CDA under the provisions of § 32-16(a)(1), gen. stats.

Docket #FIC 76-59 -2-

3. Central Metal Industries, through a metamorphosis of corporate name, is now called Central Metal Products, Inc. and the complainant's requests were sufficient to identify records relating to the latter corporation.

- 4. The respondents did not reply to these requests and the present complaint was filed with this Commission on April 7, 1976.
- 5. The respondent CDA issued its commitment of mortgage insurance prior to the complainant's requests herein.
- 6. The respondents contend that the requested documents are exempt from disclosure pursuant to $\S\S 2(b)(1)$, (4), (6) and (7) of P.A. 75-342. Each claimed exemption will be treated seriatim.
- 7. The respondents offered no evidence that the documents requested were either preliminary drafts or notes or that the respondent CDA determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure. Consequently, it is concluded that the relevant part of § 2(b)(1) of P.A. 75-342 does not exempt the requested documents from disclosure in the present case.
- 8. § 2(b)(4) of P.A. 75-342, in relevant part, exempts from disclosure commercial or financial information given in confidence which information is not required by law. The respondents offered no evidence that any information contained in the requested documents were given to the respondents in confidence. Furthermore, it is found that §§ 32-15, 32-16(a)(2) and 32-23d(f), gen. Stats., read together, require that applicants supply to the respondent CDA the information contained in the requested documents. Consequently, it is concluded that § 2(b)(4) of P.A. 75-342 does not exempt the requested documents from disclosure in the present case.
- 9. § 2(b)(6), in relevant part, exempts from disclosure the contents of real estate appraisals made for or by a public agency relative to the acquisition of property. The respondents offered no evidence concerning their acquisition of property. It is clear however, from the record herein that the transaction which premises this complaint concerns the acquisition of property by private parties. It is found that the respondent CDA is not now acquiring, nor has it acquired, property by this transaction within the meaning of § 2(b)(6). Consequently, it is concluded that § 2(b)(6) of P.A. 75-342 does not exempt the requested documents from disclosure in this case.
- 10. § 2(b)(7) of P.A. 75-342, in relevant part, exempts from disclosure statements of personal worth or personal financial data required by a licensing agency. The respondents offered no evidence that the requested documents contain statements of personal worth or personal financial data. It is also found that the respondent CDA is not a licensing agency within the meaning of § (2)(b)(7). Consequently, it is concluded that § 2(b)(7) of P.A. 75-342 does not exempt the requested documents from disclosure in this case.

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

- 1. The respondent CDA shall forthwith provide the complainant with access to the requested documents described in paragraph 2, above, under the provisions of Public Act 75-342.
- 2. While the provisions of the findings and order herein may, in certain circumstances, undermine the effectiveness of the CDA in helping to develop the economic climate of Connecticut because some industrial concerns may be reticent to have disclosed otherwise confidential information, this Commission is bound by the provisions of P.A. 75-342. Any exception to public disclosure in this regard must be mandated by statute and is therefore within the exclusive province of the General Assembly.

Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on May 26, 1976.

Clerk of the Commission