

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Thaddeus J. Hyjek and Mabel) Report of Hearing Officer
Hyjek, Complainants)
) Docket #FIC77-13
against)
) February 15, 1977
Town of East Hampton, Chief)
Administrative Officer of Town of)
East Hampton and Zoning Commission))
of Town of East Hampton,)
Respondents)

The above captioned matter was heard as a contested case on February 10, 1977, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

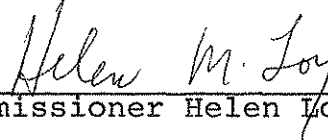
After consideration of the entire record, the following facts are found:

1. The respondents are public agencies as defined in §1-18a(a), General Statutes.
2. By letter dated January 6, 1977, the complainants requested from the respondent officer, a copy of a certain letter of complaint concerning an alleged zoning violation occurring within the respondent town.
3. By letter dated January 14, 1977, the respondent officer denied this request. The complainants did not receive such letter of denial prior to the institution of their appeal to this Commission, which appeal was filed with the Commission on January 21, 1977.
4. It is found that the document requested is kept in the files of the respondent commission and is a public record within the meaning of §1-18a(d), General Statutes.
5. The respondents contend that the requested public record is not required to be disclosed under §1-19(b)(s), General Statutes, on the ground that it is a record pertaining to pending claims and litigation to which the respondents are parties.
6. The respondents have initiated an investigation into the substance of the zoning violation alleged in the aforesaid requested letter of complaint.
7. §1-19(b)(3), General Statutes, exempts from disclosure "records pertaining to pending claims and litigation to which the public agency is a party ...". The respondent commission

is not a party to any claim brought before it at the time such complaint is filed with it. Therefore, §1-19(b)(3), General Statutes, does not provide the respondent commission with an exemption from disclosure of complaints at the time they are filed.

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

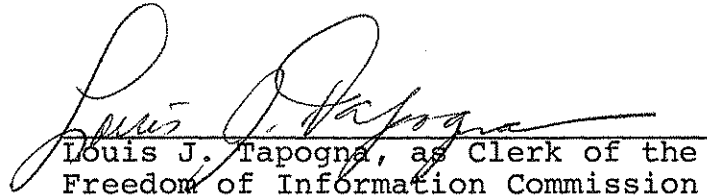
1. The respondents shall forthwith provide the complainants with a plain copy of the aforesaid requested record in accordance with §1-15, General Statutes.



Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on
February 23, 1977.



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