

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complainat by)
Claudia Caron, Complainant) Report of Hearing Officer
)
against) Docket #FIC77-163
)
City and Town of Bristol; and) October 18, 1977
Director of Health of the)
City and Town of Bristol; and the)
Board of Public Health of the)
City and Town of Bristol,)
Respondents)

The above captioned matter was heard as a contested case on September 19, 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 respondent board is a public agency within the meaning of §1-18a(a), G.S.
2. By letter dated August 9, 1977 the complainant requested that the respondent board provide certain housing inspection reports, test results pertaining to the presence of lead based paint, and certain communications relating to a housing facility known as Victory Heights.
3. By letter dated August 15, 1977 signed by the Bristol City Attorney, the respondent board denied the aforesaid request for documents claiming many if not all of the documents were exempt pursuant to §1-19, G.S.
4. By complaint and notice of appeal filed with this Commission on August 22, 1977 the complainant alleged that since she was indigent that the records requested should be provided without charge, and that the respondents had wilfully denied the requested documents.
5. The complainant depends for her income upon state welfare.
6. The respondents requested a continuance claiming an essential witness was unavailable. This request was denied.
7. The respondents claiming their right to present evidence was denied by the Commission's refusal to grant a continuance, refused to present any evidence.
8. It is found, therefore, that there is no factual basis for the respondents' claim that the documents in question are exempt from disclosure.

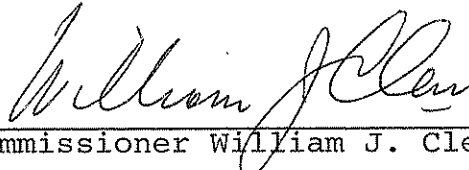
9. It is concluded that the records in question are public records and are subject to disclosure under the Freedom of Information Act.

On the basis of the record concerning the above captioned matter the following order by the Commission is hereby recommended:

1. The respondent board shall forthwith provide the complainant with copies of the requested documents.

2. The respondent board shall consider the fact that the complainant is dependent on state welfare in determining whether or not her request for a fee waiver under §1-15, G.S. should be granted.

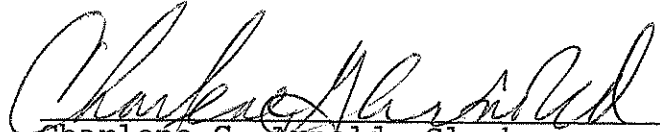
3. All parties hereto are advised that this Commission ordinarily will not look behind the findings of a public agency in its determination of indigency, or lack thereof, if such finding is based upon a determination process that is fair and adequate to the rights of all parties relative to that issue.



Commissioner William J. Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on
October 26, 1977.



Charlene G. Arnold, Clerk
Freedom of Information Commission