

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Gary Weiss, )  
Complainant ) Report of Hearing Officer  
against ) Docket #FIC78-184  
City and Town of Middletown; the ) December 11, 1978  
Director of the Redevelopment  
Agency of the City and Town of )  
Middletown; and the Redevelopment  
Agency of the City and Town of )  
Middletown, )  
Respondents )

The above captioned matter was heard as a contested case on November 6, 1978 at which time the complainant and the respondents appeared, stipulated to certain facts, 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 by §1-18a(a), G.S.
2. On September 7, 1978, the complainant made a written request to the respondent director for certain records.
3. The subject matter sought is the completed Part II of a form entitled "Redeveloper's Statement of Qualifications and Financial Responsibility" pertaining to a developer chosen by the respondents to develop a certain commercial complex.
4. Letters of credit from financial institutions as well as a Dunn & Bradstreet credit rating relating to such developer is also the subject of the complainant's September 7, 1978 request.
5. The respondents keep and maintain copies of the aforesaid records.
6. Having failed to receive a reply within four business days, the complainant filed the present complaint with this Commission on September 22, 1978, asserting his right to such records under the Freedom of Information law.
7. The background of this matter is a federal grant and loan contract between the respondent city and the United States Department of Housing and Urban Development (HUD).
8. The respondent city is the recipient of money provided under such contract. Out of this money the respondent city razes city property and makes it capable of development, after which it invites prospective purchasers to develop such property.

9. The requested records are voluntarily provided to the respondents vis-a-vis the aforesaid invitation to develop.

10. The respondents consider such data in selecting a developer.

11. The requested records are therefore a matter relating to the conduct of the public's business and, as such, a public record within the meaning of §1-18a(d), G.S.

12. Federal law does not provide an exception to mandatory disclosure as provided by §1-19(a), G.S.

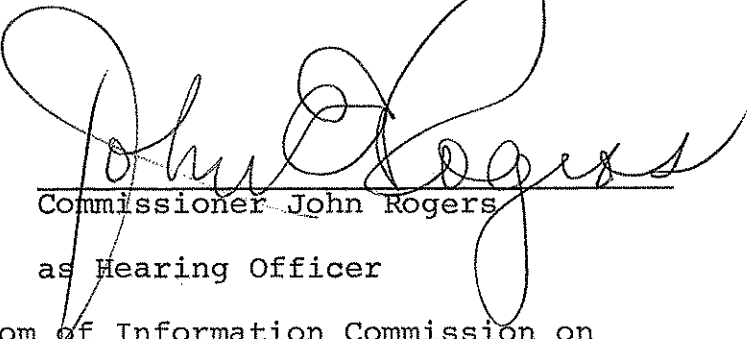
13. The respondents' essential contention is that the records in question constitute statements of personal worth or personal financial data required by a licensing agency within the meaning of §1-19(b)(8), G.S.

14. The respondents did not offer any evidence at hearing that they are licensing agencies, nor is it probable from the record that the relationship of the developer to the respondents, outlined above, is that of a licensee.

15. It is concluded that disclosure of such records is compulsory as provided by §1-19(a), G.S.

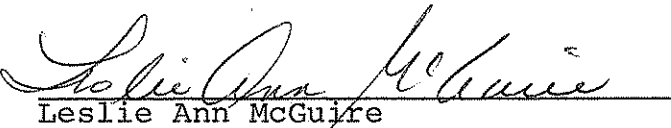
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondents shall, within five days of receiving Notice of Final Decision hereof, provide the complainant with copies of the records described in paragraphs and of the Findings hereinabove.

  
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Commissioner John Rogers

as Hearing Officer

Approved by order of the Freedom of Information Commission on January 10, 1979.

  
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Leslie Ann McGuire  
Acting Clerk of the Commission