

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Robert Nicoll, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC78-52
)	
State of Connecticut; State Department of Health and Commissioner of Health,)	May 10, 1978
Respondents)	

The above captioned matter was heard as a contested case on March 8, 1978, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

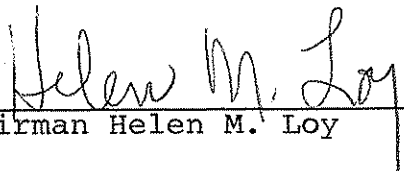
After consideration of the entire record, the following facts are found:

1. The respondents are public agencies as defined by §1-18 a(a), G.S.
2. By letter dated February 26, 1978, the complainant requested the following documents from the respondents:
 - a. a report by Mr. Capallaro;
 - b. the certification of Mr. Senkow and qualifications.
 - c. a report by Mr. Sawicki;
 - d. the as-built and engineering plans of a certain site.
3. By letter of complaint dated March 10, 1978 and filed with the Commission on March 14, 1978, the complainant alleged that he did not receive the aforesaid requested records.
4. The respondents received the complainant's request for the first time when they received the Commission's Order to Show cause relative to this complaint.
5. At hearing, the respondents offered to provide the complainant with the report of Mr. Sawicki and a written statement asserting the fact and date of certification of Mr. Senkow. Both offers were to the full satisfaction of the complainant.
6. As to the report by Mr. Capallaro and the as-built and engineering plans requested, no such documents are found to exist in the files of the respondents.

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


1. The complaint is hereby dismissed.

2. §1-21i, G.S., requires that the public agency official who has custody of a public record shall make a written denial to a person requesting the same within four business days of such request. The respondents received the complainant's request with this Commission's Order to Show Cause and more than four days were allowed to elapse without a written reply to the complainant. The respondents are admonished for not having settled this matter sooner and for having caused such a needless delay.



Chairman Helen M. Loy

Approved by order of the Freedom of Information Commission on
May 24, 1978.



Charlene G. Arnold
Clerk of the Commission