

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
George A. Athanson,)
Complainant)
)
against)
)
City and Town of Hartford and)
the Assistant Corporation)
Counsel of the City and Town of)
Hartford, Respondents)
)

Report of Hearing Officer
Docket #FIC78-71
June 14, 1978

The above captioned matter was heard as a contested case on June 6, 1978, 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 within the meaning of §1-18a(a), G.S.
2. The respondent Hartford and the Gilbane Building Company are parties to arbitration proceedings arising from the construction of the Hartford Civic Center and concerning claims against the respondent Hartford amounting to between \$6,000,000 and \$7,000,000.
3. As of June 6, 1978, 29 hearings have been held before a panel of arbitrators concerning the matter more particularly described in paragraph 2, above, and the proceedings have not concluded.
4. A special counsel, Attorney Thomas Parker, was engaged specifically by the respondents to represent the respondent Hartford in the arbitration proceedings and is currently serving in that capacity.
5. By memoranda dated March 31 and April 7, 1978, respectively, the complainant requested that the respondents furnish him with a complete set of transcripts of the arbitration hearings in question.
6. From the respondents' failure to comply with such request, the complainant filed this complaint with the Commission on April 17, 1978.
7. The requested transcripts are in the possession of Attorney Parker in his capacity as special counsel to the respondent Hartford.

8. It is found that the requested transcripts are owned by the respondent Hartford, even though they are in the possession of its special counsel.

9. In the absence of any evidence to the contrary, it is also found that the respondent Hartford has the right to obtain possession of such transcripts from its special counsel.

10. Consequently, it is concluded that the requested transcripts are public records within the meaning of §1-18a(d), G.S., and must be disclosed under §§1-15 and 1-19(a), G.S.

11. To the extent that portions of the requested transcripts constitute records pertaining to negotiations with respect to pending claims, within the meaning of §1-19(b)(4), G.S., such portions are exempt from disclosure until the subject claims have been finally adjudicated or otherwise settled.

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

1. The respondents shall provide forthwith the complainant with access to inspect or copy the requested transcripts.
2. If the complainant desires a copy of such transcripts, or any portion thereof, the respondents may impose the cost of copying provisions of §1-15, G.S.
3. Until such time as the claims that are the subject of the arbitration in question have been finally adjudicated or otherwise settled, compliance with paragraph 1 of this order shall be subject to the right of the respondents to delete, conceal, or abstract from such transcripts, those portions which, in their good faith opinion, pertain to negotiations with respect to such claims.


Commissioner Donald W. Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on June 28, 1978.


Charlene G. Arnold
Clerk of the Commission