FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Adrian A.G. Forestier,	)	Designation of Hearing Officer
Complainant	)	Docket #FIC 79-207
against Capitol Region Council of Governments	)	December 20, 1979
Respondents	)	

The above captioned matter was heard as a contested case on November 3, 1979, at which time the complainant and the respondent appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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

1. The Capitol Region Council of Governments (hereinafter CROG) is a public agency as defined in §1-18a(a), G.S.

2. By way of general background, CROG has been designated by the Governor as the responsible metropolitan planning organization within the Capitol Planning Region.

3. CROG, in conjunction with state and federal agencies and other parties, is preparing a major region-wide transportation plan for the Capitol Planning Region.

4. In this context, CROG entered into a contract with an outside consultant, Gordon Fay Associates, Inc. (hereinafter consultant), under which the consultant would produce a report on the development and operation of a fixed guideway transit system (hereinafter RAIL). RAIL involves regional railroad mass transportation.

5. The aforesaid report included two reports which were to present CROG with a variety of options concerning the kinds of management structures and financial plans available for RAIL.

6. The two reports in question were, by contract, designated "TASK A DRAFT REPORT" and "TASK A FINAL REPORT". Both reports are required products under the contract.

7. Specific numbers of each such report were to be submitted to CROG by the consultant within different, specified time frames.

8. Under the terms of the contract, CROG was expected to designate a Project Manager to review the submitted reports to determine whether they constitute satisfactory performance of the work required.

9. On September 12, 1979, the complainant requested from CROG's Project Manager a copy of the TASK A DRAFT REPORT.

10. Such report was present in CROG's files both at the time of the complainant's request and at the time of this hearing.

11. On September 14, 1979, the requested report was denied to the complainant.

12. CROG claims that the subject document is protected from conpulsory disclosure as constituting a preliminary draft or note within the meaning of §1-19(b)(1).

13. The subject document constitutes a separate, distinct and completed document in and of itself. In this regard, it is a required product under the government contract in question, distinguished from the TASK A FINAL REPORT which is an additional required product thereunder.

14. As such, the requested TASK A DRAFT REPORT may not be found to constitute a preliminary draft or note within the meaning os §1-19(b)(1), G.S.

15. Such report is therefore found to constitute a public record, as defined by §1-18a(d), G.S., subject to the conpulsory disclosure requirements of §1-19(a), G.S.

16. It is concluded that CROG, on September 14, 1979, denied the complainant his right to inspect or copy a public record under §1-19.

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

1. CROG shall provide the complainant with a copy of the requested TASK A DRAFT REPORT within five business days of the date of the issuance of the notice of final decision hereof.

Commissioner John Rogers
as Hearing Officer

Approved by Order of the Freedom of Information Commission at its regular meeting of January 9, 1980.

Leslie Ann McGuire
Clerk of the Commission