FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by John P. Harrington, Ward M. Sheehan and the Meriden Record Co., Complainants against Department of Administrative Services of the State of Connecticut; Commissioner of Administrative Services; and Chief Administrative Officer of the Department of Administrative Services Respondents	)	Report of Hearing Officer Docket #FIC80-77 January 22, 1981

The above-captioned matter was scheduled for hearing September 9, 1980 at which time both parties appeared and presented evidence 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. On March 20, 1980 the complainant requested from the Commissioner and Deputy Commissioner copies of the following records concerning renovation of the Gibson building at the Henry D. Altobello Children and Youth Center in Meriden.

a. All contracts and correspondence with engineers, architects, consultants, general contractors or others retained as part of the Altobello Center renovations.

b. All correspondence, reports, memos and interagency communications concerning the renovation project, including information to and from the Department of Children and Youth Services, the state Bond Commission, the Connecticut State Police, the Attorney General of the State of Connecticut, any of the several state's attorneys and the Commission on Hospitals and Health Care.

c. All change orders submitted in connection with reconstruction of the Altobello project, whether

approved or not.

d. Memos written by personnel of the Bureau of Public Works indicating the chronological sequence of events involved in the reconstruction project.

3. On March 20, 1980 the request was orally denied by the respondent Rondo and on March 25, 1980 the request was denied by letter.

4. At hearing the respondents' claimed that many of the documents were exempt under various provisions of §1-19(b) G.S.; however, they also agreed that the denial had been overbroad and that subsequent to the hearing they would review the documents and release those which were not exempt.

5. After the Commission hearing in the above entitled matter, on October 9, 1980, the respondents filed a memorandum listing items contained in two files which were identified as files A and B.

6. The greater part of the aforesaid memorandum was a list, identifying each record, with the date it was prepared, and showing in the margin the number or numbers of the exemption to disclosure which the respondents claimed applied to each.

7. The aforesaid memorandum will be treated as exhibit D herein because it clarifies to some extent the respondents' claims concerning the records alleged to be exempt.

8. The respondents' claims of exemption made at the hearing and in its after-filed exhibit D include subparts (1), (2), (4), (5), (7) and (10) of §1-19(b) G.S.

9. The factual basis of the respondents' claims was that

a. after the complainant made his request, the contractor for the Gibson building sued the state;

b. after the complainant made his request, the State Police began and were continuing an investigation of the renovations of the Gibson building.

10. In addition, the respondents argued, but did not prove, that the broad denial of access was necessary to prevent harm to persons in and out of state government.

11. There was no evidence which placed the records claimed to be exempt within the scope of the exemptions claimed by the respondents.

12. It is found that the public has a legitimate interest in the manner in which public construction projects, and the bonding necessary to finance them, are implemented.

13. It is therefore concluded that the respondents failed to prove that the records requrested by the complainant were within the meaning of the exemptions set forth at subparts (1),(2),(4),(5), (7) and (10) of §1-19(b)(2) 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 disclose to the complainants all of the records they requested in the letter dated March 20, 1980.

Judith A Lahey
Commissioner Judith Lahey
as Hearing Officer

Approved by Order of the Freedom of Information Commission at its regular meeting of April 8, 1981.

Wendy Rae Briggs
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Clerk of the Commission