

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Martha R. Dulko and Kathryn M.  
Dulko,

Report of Hearing Officer

Docket #FIC81-43

Complainants

July 8 , 1981

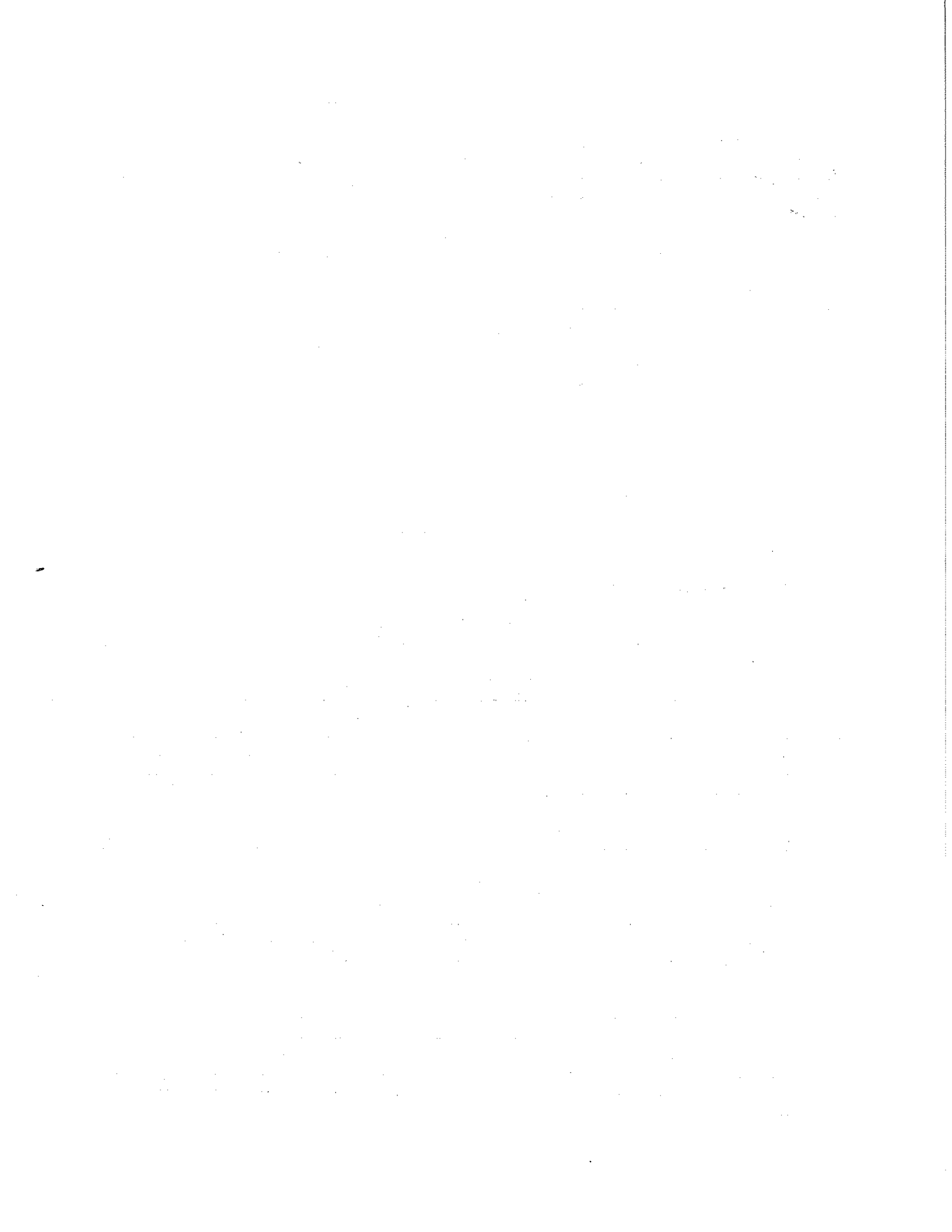
against  
City and Town of Meriden;  
Municipal Clerk of the City  
and Town of Meriden; and  
Corporation Counsel of the  
City and Town of Meriden,

Respondents

The above captioned matter was heard as a contested case on June 30, 1981, at which time the complainants and the respondents appeared and presented testimony, exhibits and arguments on the complaint.

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

1. The respondents are public agencies as defined in §1-18a(a), G.S.
2. By letter of complaint received by this Commission on March 17, 1981, the complainants alleged that they were denied the right to inspect the official absentee ballot envelopes, official checklist, official moderators' returns, and the absentee ballot moderators' sheet for the September 9, 1980 Democratic Primary, in violation of §§ 1-15, 1-19, and 1-21k(b), G.S.
3. On March 16, 1981, the complainants presented an employee of the respondent clerk's office with a written request to inspect the aforementioned documents.
4. Respondent corporation counsel, informed of the request in the absence of the respondent clerk, told the complainants that they would be required to make an appointment and to provide twenty-four hours notice before they would be permitted to inspect the documents.
5. At the hearing, the respondent corporation counsel stated that he had requested the twenty-four hours notice because the respondent clerk's office had been short-handed on the day of the complainants' request and because he wanted to insure that a clerk would be available to accompany the complainants while they inspected the documents.



6. Section 1-15, G.S. provides, in part, that "any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record."

7. It is found that since the complainants' request was limited to inspection of the documents in question, the respondents did not violate §1-15, G.S.

8. Section 1-19(a), G.S. provides, with respect to public records kept by a public agency, that "every person shall have the right to inspect such records promptly during regular office or business hours..."

9. It is found that the term "promptly," as used in §1-19(a), G.S., must be construed to include an element of reasonableness.

10. It is further found that the respondents' desire to provide for the security of the documents in question made the requirement that a clerk be present during their inspection a reasonable one.

11. Under the circumstances surrounding the complainants' request, i.e., the short-handedness of the respondent clerk's office and the need, generally, for a clerk to spend time away from tasks normally performed to accompany the complainants, the respondents were reasonable in requesting that the complainants provide them with twenty-four hours notice of their intention to inspect the documents.

12. It is concluded that the respondents did not violate §1-19(a), G.S. by requiring the aforementioned notice.

13. It is further found that the respondents did not violate this Commission's order in docket #FIC80-207, and therefore, that it would not be appropriate to consider the penalties provided for in §1-21k(b), as requested by the complainants.

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. Nothing herein shall be construed as commenting upon destruction of the contents of a depository envelope maintained pursuant to §9-153, G.S.

Judith A. Lahey  
Commissioner Judith Lahey  
as Hearing Officer

Approved by Order of the Freedom of Information Commission  
at its regular meeting of August 26, 1981.

  
Wendy R.B. Paradis  
Clerk of the Commission