FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Patrick Reilly,
Complainant

against

City and Town of Waterbury and the Mayor of Waterbury,
Respondents

Report of Hearing OFficer

Docket #FIC81-64

July 22, 1981

The above captioned matter was heard as a contested case on July 17, 1981, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony 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 §1-18a(a), G.S.

2. By letter dated March 23, 1981, the complainant requested of the respondent mayor copies of the following documents:

a. letters dated November 26, 1980 and December 17, 1980 from Richard S. Isen, Acting Chief Counsel, Office of Revenue Sharing, U.S. Treasury, Washington, D.C.;

b. letter dated November 20, 1978 from the Office of Revenue Sharing notifying Waterbury that a complaint had been received against the City of Waterbury;

c. letter dated October 31, 1980 from Jose Luis Lucero, Director, Office of Revenue Sharing;

d. any correspondence that would corroborate the statement that the respondent mayor has "ascertained from personnel authorities and experts a validation process is functionally impossible to obtain for a police and fire examination;" and

e. any correspondence from Attorney Isen's office dated January 8, 1981.

3. By letter filed with the Commission on April 27, 1981, the complainant alleged that he had not received a reply to his request.

4. The complainant seeks an order from the Commission directing the respondents to comply with his request of March 23, 1981. He also seeks an order declaring null and void all actions concerning any facet of the information contained in the requested correspondence taken by any Waterbury board or commission at a public meeting since four business days after the respondents received his request.

5. On July 15, 1981, the respondents agreed to provide the complainant with the requested records.

6. It is found that the documents referred to in paragraph 2a-2e, above, are public records within the meaning of §1-18a(d),G.S.

7. It is found that the respondent mayor failed to provide the complainant with a copy of the requested records promptly when requested as required by §1-15,G.S.

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

1. The respondents shall forthwith provide the complainant with a copy of the records described in paragraph 2a-2e of the findings above.

2. Henceforth, the respondents shall comply with all requests for copies of public records in conformity with the provisions of §1-15, G.S.

Robert J. Leeney

Commissioner Robert J. Leeney
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of September 9, 1981.

Mary Jo Jolicoeur

Mary Jo Jolicoeur
Clerk of the Commission