

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Harry Ravalese,

FINAL DECISION

Complainant

Docket #FIC83-213

against

March 14, 1984

Town of East Hartford,

Respondent

The above captioned matter was heard as a contested case on December 21, 1983 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. By letter of complaint filed with the Commission on September 19, 1983 the complainant alleged that he had been denied access to records maintained by the respondent.
3. It is found that on August 16, 1983 the complainant appeared at the office of the mayor of the respondent and requested access to minutes of certain meetings and to records, received by the mayor on June 6, 1979, of the Federal Insurance Administration.
4. Based upon previous dealings with the complaint, the respondent has adopted a policy of requiring the mayor's approval prior to releasing documents to the complainant. The complainant was told on August 16, 1983 that his request would have to be so approved.
5. On or about August 18, 1983 the complainant was asked to submit a written request for access to the records orally requested on August 16, 1983, which request was prepared by the complainant and dated August 19, 1983.
6. By letter dated September 2, 1983 the mayor advised the complainant that due to the pendency of a lawsuit filed by the complainant against the respondent, his request had been referred to the office of the corporation counsel.

7. On September 12, 1983 the complainant appeared at the mayor's office to review the requested material, whereupon he informed a representative of the mayor that he already had copies of such material. The complainant then asked to see the "complete file" of letters received by the mayor on June 6, 1979 from the Federal Insurance Administration. Such request was supplemented by a written request dated September 14, 1983.

8. The complainant was told that his request would have to be approved by the office of the corporation counsel.

9. Upon checking on September 19, 1983 the complainant was told that no answer regarding his request had been received from the office of the corporation counsel, whereupon the complainant filed his complaint with the Commission. Upon checking again on September 23, 1983 the complainant received the same answer.

10. On or about September 26, 1983 the corporation counsel informed the mayor's office that it should comply with the complainant's request for records.

11. The corporation counsel, after receiving notification of the complainant's complaint, informed the complainant by letter dated November 4, 1983 that he would be provided with access to the requested materials. He further explained that the mayor's representative had expected that the complainant would re-contact him regarding such access.

12. It is found that the respondent failed to prove that a delay of approximately two weeks between the complainant's request and the corporation counsel's approval constituted prompt access within the meaning of §§1-15 and 1-19(a), G.S.

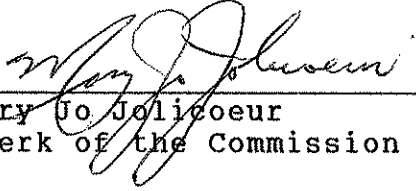
13. It is also found that although the representative of the mayor had a reasonable expectation that the complainant would eventually appear at the mayor's office to review the requested materials, his failure to contact the complainant had the effect of temporarily denying the complainant access to such materials.

14. It is concluded that the respondent failed to provide the complainant with prompt access to public records within the meaning of §§1-15 and 1-19(a), G.S.

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

1. Henceforth the respondent shall act in strict compliance with the requirements of §§1-15 and 1-19(a), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of March 14, 1984.

  
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Mary Jo Jolicoeur  
Clerk of the Commission