

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

Barbara Currie

Complainant

Docket #FIC84-218

vs.

Southbury Board of Selectmen

Respondent

August 14, 1985

The above captioned matter was a contested case which was scheduled for hearing January 29, 1985 at which time the complainant and 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. The complainant filed a complaint with the Commission October 22, 1984 alleging that she had been denied copies of letters which she had requested from the first selectman on October 9, 1984.
3. On the afternoon of October 9, 1984, during a discussion by the respondent board of selectmen of the paving of Bates Rock Road, the first selectman referred to the "many letters" which he had received requesting paving of the road.
4. That same day the complainant requested from the first selectman copies of the many letters he had received.
5. The complainant stated her willingness to pay for the copies.
6. No response having been received by the complainant by October 18, 1984; she then prepared a letter of complaint which she sent to the Commission.
7. On or about October 18, 1984 the first selectman sent the complainant a letter correcting the earlier statement that he had received many letters; it stated:

"I have received a few phone calls and at least one letter from property owners of Bates Rock Road requesting their road be paved and brought up to town road standards as required for all subdivisions. I have made some of these names available but hesitate to do so because of pressure that may unduly be brought on these residents.

8. At the time of the October 18, 1984 letter, the first selectman was mistaken about having received a letter; in fact what he had received was an office message in typed form indicating that one person had visited his office to express support for the paving of Bates Rock Road.

9. At the Commission hearing the first selectman disclosed the names of three individuals who had made oral statements in support of paving Bates Rock Road.

10. It is found that the respondent has no letters in support of paving Bates Rock Road.

11. §1-21i(a) G.S. provides:

Any denial of the right to inspect or copy records provided for under section 1-19 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of receipt of such request. Failure to comply with a request to so inspect or copy such public record within such four business day period shall be deemed to be a denial.


12. It is found that the respondent failed to respond to the complainant's request for copies within four business days as required under §1-21i(a) G.S.

13. It is further found that, because the letter of October 18, 1984 from the first selectman to the complainant was not responsive to the request for copies of letters, the violation continued up until the date of the hearing.

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

1. The respondent shall henceforth comply with §1-21i(a) G.S.
2. The respondent shall post the decision in a place where the public may view it in the office of the town clerk for a period of two weeks.

Approved by order of the Freedom of Information Commission at its regular meeting of August 14, 1985.


Mary Jo Jolicoeur
Clerk of the Commission