

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Herbert Hallas,

FINAL DECISION

Complainant  
against

Docket #FIC85-35 and #FIC85-37

August 28, 1985

Town Planner of the  
Town of Windsor,

Respondent

The above captioned matter was heard as a contested case on April 30, 1985 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 dated January 9, 1985 the complainant, through his counsel, made a request of the respondent for copies of certain public records, to be certified by the respondent, listed in 52 numbered paragraphs, such records to be available on or about January 28, 1985. On or about January 28, 1985 the complainant, through his counsel, agreed to a one-week extension of time for the respondent, until February 4, 1985.

3. On February 7, 1985 the complainant, having gone to the office of the respondent to pick up the documents, was told that the records were available in the office of the town clerk. The complainant was provided with a stack of documents, each of which was certified by the deputy town clerk.

4. The complainant accepted the agendas and some of the minutes of the town planning and zoning commission and refused the rest of the documents on the ground that the documents should not have been certified by anyone other than an employee of the planning department.

5. Later on February 7, 1985 the complainant renewed his request for certified documents at the office of the respondent and was told that the documents had been taken to the town clerk's office for certification.

6. The complainant then informed the respondent by letter dated February 7, 1985 that item number 26 had not been made available for his purchase, that item number 27 was illegible and that certain minutes, items 43, 45, 48 and 49, did not contain a date of adoption or a signature by any member of the planning and zoning commission certifying that the minutes had been adopted.

7. By letter of complaint filed with the Commission on February 11, 1985 the complainant alleged that the respondent's "failure or refusal" to make available to the complainant, in the planning department, certified copies of records on file in the planning department, and the respondent's failure to certify the documents himself violated §§1-15 and 1-19(a), G.S.

8. The complainant asked that the Commission order the respondent to provide him with legible copies of items 1 through 27 of his request and certified copies of those minutes which did not contain the signature of a duly-appointed member of the planning and zoning commission certifying their adoption.

9. By letter filed with the Commission on February 19, 1985 the complainant indicated that his attorney had been told that if the complainant continued to refuse copies certified by the deputy town clerk, counsel for the respondent would pursue sanctions against the complainant from the Freedom of Information Commission. The complainant indicated his intention to address the respondent's statement at hearing.

10. The complainant's February 19, 1985 letter, assigned a separate docket number of FIC 85-37, was combined at hearing with FIC 85-35.

11. At hearing the complainant objected to the participation of Attorney Vincent Oswecki as counsel for the respondent, which objection was overruled.

12. The complainant claims that as a plaintiff in a lawsuit involving the Town of Windsor he needs properly certified copies of documents and that copies certified by the deputy town clerk rather than the town planner do not meet this need.

13. Pursuant to §7-101, G.S. the town clerk has custody of the seal of the town of Windsor. The respondent does not have certification powers or a seal with which to certify documents.

14. The deputy town clerk testified at hearing that the respondent gave her copies of documents to copy, that she copied them herself or had them copied, verified that they were true copies and certified them.

15. The complainant did not allege that the copies provided were not true copies or that his request for certification of documents was refused.

16. It is found that upon request, the complainant received certified copies of public records. Nothing in the Freedom of Information Act sets forth a requirement such as has been proposed by the complainant.

17. It is concluded that the complainant's claim that documents certified by one public official should have been certified by another does not allege a violation of the Freedom of Information Act.

18. It is also found that nothing in the Freedom of Information Act requires the adoption of minutes or the signature of an agency member on minutes.

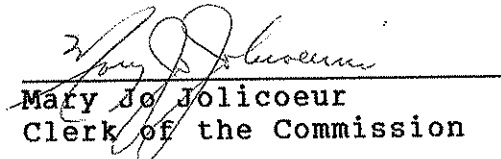
19. It is found that the respondent is willing to provide a legible copy of the document claimed by the complainant to be illegible.

20. It is also found that the respondent has conducted a diligent search for all of the documents requested and that items missing from the respondent's response to the complainant cannot be located. The respondent expressed his willingness to provide the complainant with copies if the documents are located.

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.

Approved by order of the Freedom of Information Commission at its regular meeting of August 28, 1985.

  
Mary Jo Jolicoeur  
Clerk of the Commission