

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Francis Rotella,

FINAL DECISION

Complainant

Docket #FIC85-41

against

Mayor of the City and Town of  
Meriden,

August 14, 1985

Respondent

The above captioned matter was heard as a contested case on May 1, 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. On February 11, 1985 the complainant, upon requesting copies of records at the office of the Meriden community development office, was told that Eliot Stretch, the executive assistant to the city manager, had issued a directive that all of the complainant's requests for information must be put in writing before action would be taken on them.
3. By letter of complaint filed with the Commission on February 15, 1985 the complainant alleged that the policy described by the executive assistant to the city manager, issued upon the order of the respondent, was "illegal and discriminatory."
4. On February 7, 1985 the complainant went to the office of the respondent looking for a certain petition having to do with city council business. The secretary to the city council was not in at the time and the complainant was assisted for approximately 45 minutes by the secretary to the mayor. During the search for the record, the complainant's loud and rude behavior drew the attention of the mayor, who asked the complainant to leave.
5. Comments made by the mayor during and immediately after his February 7, 1985 encounter with the complainant, overheard by Mr. Stretch, led Mr. Stretch to believe that the mayor wished to limit the complainant's access to records.

6. Mr. Stretch repeated the mayor's comments to the secretary of Michael Aldi, the head of the community development office, who then transmitted them to Mr. Aldi.

7. No directive was ever issued from the respondent indicating that the complainant's access to records should be limited by requiring a written request for inspection, nor was the complainant actually required to submit a written request for access at any time.

8. At hearing the respondent acknowledged that the policy proposed by Mr. Stretch would have been improper and that Mr. Stretch's proposal was the result of a misunderstanding.

9. Testimony from the complainant indicated that the respondent has always cooperated fully with the complainant with respect to his requests for records and has made a practice of providing copies of records without charge to the complainant.

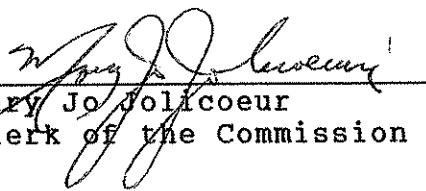
10. It is found that although Mr. Stretch's misunderstanding was unfortunate and could have led to a violation of §1-19(a), G.S. had the policy been implemented, the complainant was not, in fact, denied any rights provided under the Freedom of Information Act.

11. At hearing the respondent made a request that the Commission address the issues of whether a written request for copies of records is permissible, what constitutes "promptness" and whether it is permissible to require a citizen to make an appointment to inspect records, none of which issues was raised in the instant complaint. The Commission therefore declines to address the issues here.

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 special meeting of August 14, 1985.

  
Mary Jo Jolicoeur  
Clerk of the Commission