FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Andrew Liddell,

Complainant

against

Andover Board of Finance and the Town of Andover,

Respondents

FINAL DECISION

Docket #FIC85-100

September 18, 1985

The above captioned matter was heard as a contested case on July 17, 1985 at which time the complainant and the respondent board appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent board of finance is a public agency within the meaning of §1-18a(a), G.S.

2. On April 1, 1985 the respondent board held a regular meeting during which it voted to approve a 1985-86 town budget.

3. By letter of complaint filed with the Commission on April 8, 1985 the complainant, a reporter, alleged that following the April 1, 1985 meeting he made a request of the chairman of the respondent board for a copy of the budget document, and that such request was refused.

4. It is found that the respondent board held several public hearings on the subject of the town budget, during which board members had before them blank worksheets containing columns for "actual," "budget," "requested," and "recommended" figures. All figures were reached by the end of the third meeting, following which the chairman of the respondent filled the figures in on his worksheet.

5. It is the chairman's worksheet which is the subject of this complaint.

6. It is found that after the chairman filled all budget figures in on his worksheet he distributed copies of the document to all board members.

7. Following the April 1, 1985 meeting of the respondent board, between 8:00 and 9:00 p.m., the complainant made a request of the chairman for a copy of his budget worksheet, which request was denied on the ground that the chairman had only one copy, and did not have access to a copying machine.

8. Several minutes after his initial request, the complainant asked the chairman of the respondent for access to inspect the budget worksheet, which request was also denied. The chairman was reluctant to release handwritten figures which, he felt, might be confusing and might lead to inaccurate press coverage.

9. The complainant was informed the next day, April 2, 1985, that a typed copy of the budget figures would be available that day. The complainant obtained a copy of the figures at approximately 3:00 p.m. on April 2, 1985.

10. It is found that the document requested by the complainant had been circulated to all board members and formed the basis of discussion at the April 1, 1985 meeting.

11. It is concluded that the requested record was not a preliminary draft or note within the meaning of §1-19(b)(1), G.S.

12. The respondent board moved to dismiss the complaint on the ground that the complainant's request for records was not made during "regular office or business hours" within the meaning of §1-19(a), G.S.

13. The business hours of the respondent board are weekdays, 9:00 a.m. to 4:00 p.m.

14. It is found that the respondent could not have denied access to the budget document during the meeting and the respondent concedes that a request for access during the meeting would have been appropriate.

15. It is found that by waiting until the conclusion of the meeting to make his request the complainant did not forfeit his right to inspect records used by the respondent during the April 1, 1985 meeting. Testimony at hearing indicated that following the meeting the chairman of the respondent did not immediately leave the meeting area and was, in fact, available to provide the requested access.

16. It is found that the chairman of the respondent was not required to give the complainant his only copy of the budget document.

17. It is found, however, that the respondent violated §1-19(a), G.S. when he denied the complainant access to inspect the budget document when requested on April 1, 1985.

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 act in strict compliance with the requirements of §1-19(a), G.S.

Approved by order of the Freedom of Information Commission at its special meeting of September 18, 1985.

Mary Jo Jolicoeur
Clerk of the Commission