

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Michael Cavallaro and Emily  
Cavallaro,

FINAL DECISION

Complainants

Docket #FIC85-127

against

October 9, 1985

Town of Ansonia; Building Official  
of the Town of Ansonia and the Building  
Department of the Town of Ansonia,

Respondents

The above captioned matter was heard as a contested case on August 16, 1985 at which time the complainant Michael Cavallaro and the respondent building official appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent building official is a public agency within the meaning of §1-18a(a), G.S.
2. On or about April 29, 1985 the complainant Michael Cavallaro received a letter from the respondent building official indicating that a complaint had been filed regarding rabbits kept by him.
3. On or about May 16, 1985 the complainants made a written request of the respondent building official for a copy of the complaint, including the name of the complaining party and the date the complaint was filed.
4. By letter of complaint filed with the Commission on June 6, 1985 the complainants appealed the denial of their request.
5. The respondent building official claims that he cannot release the complaint because the person(s) filing it requested anonymity.
6. The complaining party's request for anonymity is not a permissible purpose for withholding a document under the Freedom of Information Act.
7. The respondent building official also claims that he holds the complaint in his capacity as zoning enforcement officer and that the record is exempted from disclosure by §1-19(b)(3), G.S.

8. The respondent failed to prove that a zoning enforcement officer is a law enforcement agency within the meaning of §1-19(b)(3), G.S. or that the complaint was compiled in connection with the detection or investigation of crime.

9. The respondent building official further claims that the record is exempted from disclosure by §1-19(b)(4), G.S.

10. Prior to the date of hearing the complainant Michael Cavallaro obtained a temporary injunction against the respondent building official to prevent him from taking any further action regarding the keeping of rabbits.

11. It is found, however, that the respondent building official failed to prove that the complaint letter itself pertained in any way to strategy or negotiations with respect to the litigation initiated by the complainant.

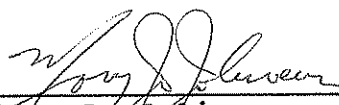
12. The respondent building official failed to prove that the record in question was exempted from disclosure by any other provision of the Freedom of Information Act, other state statute or federal law.

13. It is concluded that the respondent building official violated §§1-15 and 1-19(a), G.S. when he denied the complainant access to the complaint submitted regarding the complainant's rabbits.

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

1. The respondent shall forthwith provide the complainant with a copy of the written complaint regarding the complainant's keeping of rabbits.

Approved by order of the Freedom of Information Commission at its regular meeting of October 9, 1985.

  
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Mary Jo Jolicoeur  
Clerk of the Commission