

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by ) Report of Hearing Officer  
Chimblo Associates, Complainant ) Docket #FIC76-120  
against ) August 18, 1976  
Town of Greenwich and the Planning )  
and Zoning Commission of the Town )  
of Greenwich, Respondents )

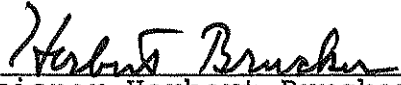
The above captioned matter was heard as a contested case on August 10, 1976, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondents are public agencies.
2. On July 9, 1976, the complainant asked to inspect or copy a document entitled "MUNIES - Fiscal Impact Analysis for Greenwich, Connecticut" prepared by Marcou, O'Leary and Associates.
3. Because this request was denied, the complainant appealed to this Commission by letter filed July 13, 1976.
4. The document in question is a printed computer analysis, based upon certain assumptions provided by various agencies of the respondent town.
5. The respondent commission contends that the requested document is exempt from disclosure as a preliminary draft under §2(b)(1) of P.A. 75-342.
6. Some of the assumptions upon which the requested document is based have been, or are being, amended. Consequently, another computer analysis is being prepared in documentary form by Marcou, O'Leary and Associates to reflect the amended assumptions.
7. The requested document is in custody of the respondents, was prepared pursuant to a contract that calls for a documentary computer analysis, and has been paid for.
8. The requested document is not a preliminary draft within the meaning of §2(b)(1) of P.A. 75-342 and is therefore not exempt from disclosure. The document is a complete computer analysis based upon the assumptions furnished. Obviously, different assumptions will result in a different analysis. Each such analysis constitutes a separate, distinct, and completed document. To find otherwise would mean that any analysis is exempt from public disclosure because it may be revised later, when fresh data become available.

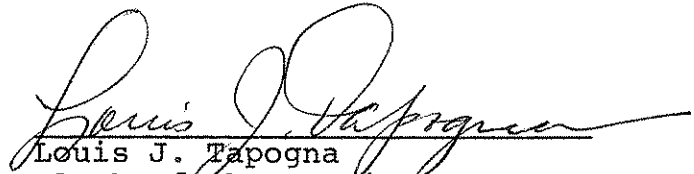
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondent commission shall forthwith provide access to the document requested, so that the complainant may inspect or copy it in accordance with P.A. 75-342.

  
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Commissioner Herbert Brucker

as Hearing Officer

Approved by order of the Freedom of Information Commission  
on August 25, 1976.

  
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Louis J. Tapogna  
Clerk of the Commission