

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Peter Zvingilas, Complainant) Report of Hearing Officer
)
against) Docket #FIC76-188
)
Town of Griswold; Donald Burdick,) December 22, 1976
First Selectman, Town of Griswold;)
Richard Duda, Town Attorney, Town)
of Griswold and Wilfred Jodoin,)
Town Clerk, Town of Griswold,)
Respondents)

The above captioned matter was heard as a contested case on November 18, 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 as defined in §1(a) of P.A. 75-342.

2. By letter dated October 14, 1976, the complainant requested from the respondents a copy of a certain opinion of the respondent town attorney, and further requested the letter in which the respondent town asked for that opinion.

3. Having failed to receive a reply within four business days, the complainant filed the present appeal with the Commission on October 28, 1976.

4. The respondents did not respond to the complainant's request within the time specified in §14(a) of P.A. 75-342.

5. Subsequently, the respondent town attorney complied with the complainant's request. The documents requested were mailed to the complainant on October 27, 1976.

6. By letter dated October 28, 1976, the respondent first selectman and the respondent town clerk denied having any of the requested documents in their custody and possession.

7. Some time after October 28, 1976, but before this hearing, the secretary of the board of selectmen of the respondent town did locate a copy of the requested opinion, which was promptly given to the respondent town clerk.

8. The respondent town clerk did not tender to the complainant the requested document after it had come into his possession.

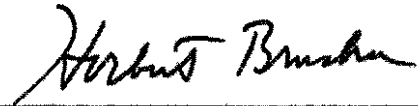
9. The respondent town clerk and the respondent first selectman represent that they now stand ready to provide the complainant with access to the requested document.

10. This tender of compliance was in violation of the time requirement of §5 of P.A. 75-342.

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

1. The respondent town clerk and the respondent first selectman shall forthwith provide the complainant with a copy of the requested document in accordance with §5 of P.A. 75-342.

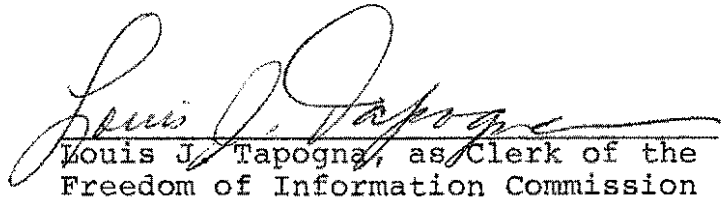
2. Henceforth, the respondent town clerk and the respondent first selectman shall strictly adhere to the time requirement of §5 of P.A. 75-342 concerning the written requests for copies.



Commissioner Herbert Brucker

as Hearing Officer

Approved by order of the Freedom of Information Commission on
January 12, 1977.



Louis J. Tapogna, as Clerk of the
Freedom of Information Commission