

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of the Complaint by)	
Barbara J. Wardenburg,)	Report of Hearing Officer
Complainant)	
)	Docket #FIC76-189
against)	
)	December 2 ⁷ , 1976
Town of Ridgefield, Richard J.)	
Fricke, Esq., Town Counsel for the)	
Town of Ridgefield and Lou Fossi,)	
First Selectmen of the Town of)	
Ridgefield, Respondents)	

The above captioned matter was heard as a contested case on November 12, 1976, at which time the complainant and the respondents appeared and presented testimony and argument in 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 22, 1976 the complainant requested from the respondents all materials relating to a proposed lease of a town-owned building to a foreign corporation.

3. By letter from the town counsel dated October 25, 1976, the respondents denied the complainant's request.

4. By letter of complaint filed with this Commission on October 29, 1976 the complainant alleged that this denial violated the disclosure provisions of P.A. 75-342.

5. The requested materials consist of seven proposed leases, none of which constitutes a completed contract. Accompanying memoranda prepared by town counsel, are in the custody and possession of the respondents.

6. The respondents contend that they are not required to disclose the requested lease proposals under §2(b)(1) of P.A. 75-342 on the ground that they are preliminary drafts.

7. The respondents further contend that the requested memoranda accompanying the lease proposals are not required to be disclosed under §2(b)(9) of P.A. 75-342 because they are privileged under the attorney-client relationship.

8. Each of the lease proposals constitutes a separate, distinct and completed document. Each proposal, whether it be an offer or a request for an offer, stands independently on

its own. The requested lease proposals are therefore found not to be preliminary drafts within the meaning of §2(b)(1) of P.A. 75-342.

9. The respondents have failed to prove that the memoranda accompanying the lease proposals constitute communications privileged by the attorney-client relationship within the meaning of §2(b) of P.A. 75-342.

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


1. The respondents shall forthwith provide the complainant with opportunity to inspect or copy the information requested, in accordance with P.A. 75-342.



Commissioner Herbert Brucker

as Hearing Officer

Approved by order of the Freedom of Information Commission on
Decemebr 22, 1976.



Leslie Ann McGuire
Clerk of the Commission