

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by James L. Smith, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-22
)	
Town of Avon and Board of Education of the Town of Avon, Respondents)	April 6, 1977
)	

The above captioned matter was heard as a contested case on February 25, 1977, 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 by §1-18a(a), G.S.

2. On January 27, 1977, the chairman of the respondent board received at his home a request by complainant for ten items of information relating to the respondent.

3. Complainant filed this appeal on February 2, 1977, not having received a denial of his request from respondent at that time.

4. Respondent has moved to dismiss because the request did not in part pertain to records, because the complaint form does not follow Commission regulations, and on the ground that four days did not elapse before bringing the complaint.


5. The motion to dismiss is denied as to the allegation that records were not sought by complainant; at the hearing the parties narrowed down the request solely to documents. Further, the complaint cannot be dismissed for failure to adhere to the strict standard of Regulation 41 and 42; substantial compliance is found.

6. The motion to dismiss is granted on the ground that there had not been a denial of the information sought, nor had four business days elapsed before bringing the complaint.

7. The complainant submitted his request to respondent's chairman, who turned the request over to the offices of the respondent after business hours on January 27, 1977. On the date of the filing of the complaint (February 2, 1977) four business days without a reply from respondent had not passed.

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

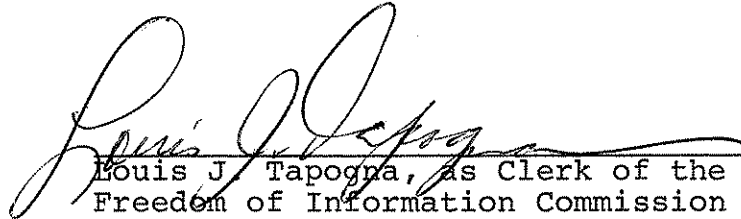
1. The complaint is hereby dismissed.



Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on
April 13, 1977.



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