

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Charlotte Sanford,

FINAL DECISION

Complainant

Docket #FIC81-17

against

January 11, 1982

City and Town of Ledyard; Chairman,
Ledyard Town Council

Respondents

The above captioned matter was heard as a contested case on May 22, 1981, at which time the complainant and the respondents appeared, stipulated to certain facts, 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. By letter dated January 21, 1981, the complainant made a request of the respondent council chairman for access to inspect a petition presented to the Ledyard town council on June 17, 1980.
3. By letter dated January 22, 1981, the respondent council chairman informed the complainant that he had discarded the petition and that he therefore could not comply with her request.
4. By letter filed with the Commission on January 26, 1980, the complainant alleged that the respondent had violated § 1-21k, G.S., by discarding the petition.
5. By letter filed with the Commission on February 19, 1980, the complainant further alleged that the respondent council chairman's failure to provide a copy of the petition in question constituted a violation of § 1-15, G.S.
6. It is found that at a special meeting of the respondent town council on June 17, 1980, a petition was presented to the respondent town council, but was not received by the respondent town council as a public record, as defined in either § 1-18a(d) or § 1-19(a), G.S.
7. It is also found that at the close of the June 17, 1980 special meeting of the respondent town council, the respondent council chairman placed such petition in his briefcase and took it home with him.

8. It is further found that sometime in November, 1980, the respondent council chairman threw the petition away in the course of cleaning out his study.

9. Section 1-12k, G.S., is a criminal statute, the investigation and prosecution for which is within the jurisdiction of the criminal justice division of the judicial department pursuant to § 51-276, G.S.

10. It is therefore concluded that the Commission lacks, and declines to exercise, jurisdiction over the complainant's allegation of a violation of § 1-21k, G.S.

11. It is found that the petition referred to in paragraph 2, above, had been discarded or otherwise destroyed prior to the complainant's request for a copy of such petition on January 21, 1981.

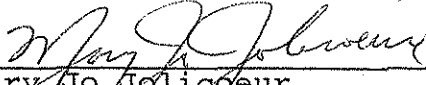
12. It is therefore concluded that the respondent council chairman's failure to provide the complainant with a copy of such petition did not constitute a violation of § 1-15, G.S.

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.

2. Nothing herein shall be construed as commenting in any way upon the merits of the complainant's allegation of a violation of § 1-21k, G.S., or on the propriety of the respondent chairman's destruction of the requested petition.

Approved by order of the Freedom of Information Commission at its special meeting of January 4, 1982.



Mary Jo Jolicœur
Clerk of the Commission