

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Brian A. Barnes,)	Report of Hearing Officer
Complainant)	
against)	Docket #FIC81-82
)	August 24, 1981
Hillcrest Fire District,)	
Respondent)	

The above captioned matter was heard as a contested case on August 5, 1981, at which time the complainant and the respondent 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 respondent is a public agency within the meaning of § 1-18a(a), G.S.
2. By letter dated April 9, 1981, the complainant wrote to the respondent's president requesting access to the names of the respondent's current officers, the dates of their election and the names of the respondent's members.
3. By letter dated April 21, 1981, the respondent's president replied to the complainant stating that the request would be considered by the respondent's board of directors at its June 1981 meeting.
4. By letter dated April 24, 1981, the complainant renewed his request and demanded receipt of the requested information by May 1, 1981.
5. Having failed to receive compliance with his request, the complainant filed this appeal with the Commission on May 26, 1981.
6. It is found that the information requested is contained in public records, as defined in §§ 1-18 a(d) and 1-19(a), G.S., and is maintained by the respondent.
7. It is also found that during or about June 1981, the respondent publicly disclosed the names of its officers, although it did not provide the complainant with direct access to the records containing such information.
8. At the hearing on this complaint, the respondent disclosed the names of its current officers as well as the dates of their election.
9. It is further found that the names of the respondent's members are prescribed by 1931 Special Act No. 350, § 9, as inhabitants and electors residing within the geographic area described in 1935 Special Act No. 328.
10. Notwithstanding the facts set forth in paragraphs 7, 8 and 9, above, the respondent contends that the records containing the information requested are exempt from disclosure pursuant to § 1-19(b)(4), G.S., because the complainant is an attorney representing a party defendant in a lawsuit brought by the respondent and who threatened, and ultimately brought, a claim to court against the respondent.

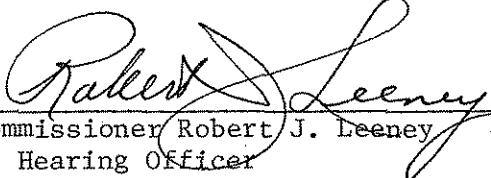
12. It is further found that the information is not exempt from disclosure under § 1-19(b)(4), G.S., or under any other provision of the Freedom of Information Act, because it has been made public, and is available to the public, independently of the complainant's request in this matter.

13. It is therefore concluded that the respondent violated § 1-19(a), G.S., by failing to provide the complainant with prompt access to the records containing the information requested by him.

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

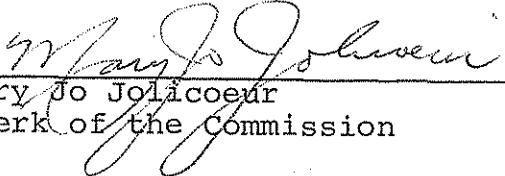
1. The respondent shall forthwith provide the complainant with access to the records it maintains containing the information requested, as described in paragraph 2 of the findings, above.

2. Nothing in this decision shall be construed as suggesting that the respondent acted in bad faith in the context of this controversy.



Commissioner Robert J. Leeney
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of September 23, 1981.



Mary Jo Jolicoeur
Clerk of the Commission