FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Henry J. Olszewski, Jr.,

Complainant

against

City and Town of New Britain; Zoning
Board of Appeals of the City and
Town of New Britain,

Respondents

Report of Hearing Officer

Docket #FIC81-102

February 24, 1982

The above captioned matter was heard as a contested case on October 20, 1981, at which time the complainant and the respondent board appeared, stipulated to certain facts, and presented testimony and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondent board is a public agency as defined by §1-18a(a), G.S.

2. By letter dated June 4, 1981, the complainant reiterated an earlier oral request to the respondent board for a copy of the minutes of its May 26, 1981 meeting.

3. On June 5, 1981, the complainant was informed by the clerk of the respondent board that a copy of the requested minutes would be available June 8, 1981.

4. The complainant received a copy of the requested minutes on June 8, 1981.

5. By letter dated June 15, 1981, the complainant requested the following information relating to the scheduling and conduct of the respondent board's meetings:

a) The date and time the respondent board would convene to render a decision regarding "zoning variance request #2697."

b) Whether such meeting would be "open or closed to any concerned individual" and,

c) The most expedient method of obtaining the respondent board's decision on zoning variance request #2697, if the meeting were in fact limited to members of the respondent board.

6. The complainant received no response to his June 15, 1981 request for information.

7. By letter filed with the Commission on June 23, 1981 the complainant alleged that the failure of the respondent to provide him with a copy of the requested minutes until 13 days following the subject meeting and the failure of the respondent board to reply to his June 15, 1981 request for information were in violation of the Freedom of Information Act.

8. It is found that the minutes of the respondent board's May 26, 1981 meeting were put on file with the Town Clerk on June 3, 1981, 8 days following such meeting.

9. It is found that the respondent board failed to direct the complainant to the Town Clerk's office upon receipt of his June 4, 1981 request for minutes, although such minutes were on file at that time.

10. It is found that the failure of the respondent board to place a copy of the minutes of its May 26, 1981 meeting on file until June 3, 1981, constituted a technical violation of §1-21, G.S.

11. It is found that the failure of the respondent board to direct the complainant to the Town Clerk's office where he could have immediately obtained a copy of the desired minutes violated the spirit, if not the letter of §§1-15 and 1-19, G.S.

12. It is found that the complainant's June 15, 1981 letter, referred to in paragraph 5, constituted a written request for notice of regular or special meetings of the respondent board within the meaning of §1-21c, G.S.

13. It is also found, however, that the complainant failed to prove that he did not receive notice, within the meaning of §1-21c, G.S., of any of the respondent board's regular or special meetings.

14. It is further found that the respondent board's failure to respond to the complainant's June 15, 1981 request for information, insofar as that request related to matters other than a request for public records or notice of public meetings, did not constitute a violation of the Freedom of Information Act.

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

1. The respondent board shall henceforth act in strict compliance with §1-21, G.S., in the filing of its minutes.

2. The Commission notes that the failure of the respondent board to direct the complainant to the Town Clerk's office when he requested a copy of the respondent board's minutes and its failure to respond fully to the complainant's June 15, 1981 request for information is contrary to the policy of the Freedom of Information Act, which is to respond to citizens' requests for information in as timely and complete a fashion as possible.

Helen M. Loy

Helen Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of April 14, 1982.

Mary Jo Jolicoeur

Mary Jo Jolicoeur
Clerk of the Commission