

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Peter W. Benner,

FINAL DECISION

Complainant

Docket #FIC81-207

against

August 30, 1982

City of Hartford, Hartford  
Redevelopment Agency,

Respondents

The above captioned matter was heard as a contested case on April 20, 1982 at which time the complainant and the respondent redevelopment agency appeared and presented testimony, exhibits, and argument on the complaint. After consideration of the entire record the following facts are found:

1. The respondent redevelopment agency is a public agency within the meaning of § 1-18a(a), G.S.

2. By letter dated December 3, 1981, the complainant made a request of the respondent redevelopment agency for copies of reports of appraisals performed on properties known as 28-32 Laurel Street and 25X Riverside Street, as well as copies of records of any action by the respondent agency with regard to condemnation, acquisition or valuation of the properties.

3. By letter dated December 11, 1981, the respondent agency denied the complainant's request for records.

4. The complainant filed a notice of appeal with the Commission on December 17, 1981, pursuant to § 1-21i(b), G.S.

5. At hearing, the respondent redevelopment agency raised an objection on the ground that the complaint was not heard within the time limit established by § 1-21i(b), G.S.

6. The respondent redevelopment agency's objection was overruled on the ground that the language of § 1-21i(b), G.S. regarding the time frame for the hearing of complaints under the Freedom of Information Act is directory, not mandatory.

7. It is found that the properties referred to in paragraph 2, above, are the subject of a condemnation action instituted by the respondent agency pursuant to § 8-129, G.S.

8. It is found that following the filing of the statement of compensation by the respondent city, the condemnee filed an appeal of such statement.

9. It is found that on the date of hearing, the condemnee's appeal was pending.

10. It is found that the certificate of taking regarding the subject properties was filed by the respondent redevelopment agency on August 13, 1981.

11. § 8-129 G.S., provides as follows:

"Upon the recording of such certificate [of taking], title to such property in fee simple shall vest in the municipality. . ."

12. The respondent agency claims that the requested records are exempted from disclosure pursuant to § 1-19(b)(7), G.S.

13. It is found, however, that title to the subject properties passed to the respondent city at the time of the filing of a certificate of taking on August 13, 1981.

14. It is therefore concluded that all of the subject properties had been acquired by the respondent city prior to the complainant's request for records.

15. It is concluded that the requested appraisals are not exempted from disclosure by § 1-19(b)(7), G.S.

16. The respondent redevelopment agency further claims that § 1-19, G.S. does not apply to the subject records, since the exchange of appraisal reports by parties to a condemnation proceeding is governed by Conn. Prac. Book Sec. 432.

17. It is found that Conn. Prac. Book Sec. 432 does not in any way prohibit the release of appraisal reports in an eminent domain proceeding prior to the date fixed by the court for such release.

18. The respondent redevelopment agency claims that the requested records are not subject to disclosure since the statutes governing condemnation proceedings do not require disclosure of such records.

19. The respondent redevelopment agency, however, fails to show that disclosure of the requested records is prohibited by the statutes governing condemnation proceedings.


20. It is found that unless otherwise provided by federal law or state statute, all records maintained or kept on file by the respondent agency are public records subject to disclosure pursuant to §§ 1-15 and 1-19, G.S.

21. It is therefore concluded that the records in question are subject to disclosure pursuant to §§ 1-15 and 1-19, G.S.

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

1. The respondent redevelopment agency shall forthwith provide the complainant with copies of the records referred to in paragraph 2 of the findings, above.

Approved by order of the Freedom of Information Commission at its regular meeting of August 25, 1982.

  
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Mary Jo Jolicœur  
Clerk of the Commission