

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Nellie Decko,

FINAL DECISION

Complainant

Docket #FIC84-200

against

March 27, 1985

Town of Hamden,

Respondent

The above captioned matter was heard as a contested case on January 7, 1985 at which time the respondent failed to appear and the matter was continued to February 5, 1985. On February 5, 1985 the complainant and the respondent appeared 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. In 1972 the complainant filed suit against the respondent regarding allegedly improper actions of the respondent's building inspector.

3. By letter of complaint filed with the Commission on October 3, 1984 the complainant alleged that she had, on September 25, 1984, made a request of the respondent for records relating to her lawsuit but that the respondent had not provided the records.

4. It is found that, upon request, the clerk of the zoning board of appeals searched for but was unable to locate the respondent's file relating to the complainant's lawsuit. An index card located in the town attorney's files indicated that the file relating to the suit had been closed.

5. The clerk of the zoning board of appeals, the secretary to the town attorney's office and the assistant to the mayor conducted diligent searches of the closed out files of the town attorney's office and of the zoning board of appeals, but were unable to locate the file in question.


6. The respondent indicated at hearing that it would not deny the complainant access to the file if the file were located, but that the file cannot be found.

7. It is concluded that the respondent did not deny the complainant access to the file relating to her lawsuit within the meaning of §§1-15 and 1-19(a), 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.

Approved by order of the Freedom of Information Commission at its regular meeting of March 27, 1985.



Mary Jo Jolicœur
Clerk of the Commission