

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Beverly M. Brown, Complainant) Report of Hearing Officer

against) Docket #FIC77-11

State of Connecticut; and) March 18, 1977
Probate Court Administrator,)
Respondents)

The above captioned matter was heard as a contested case on March 16, 1977, at which time the complainant and the respondent administrator appeared, stipulated to certain facts, and presented 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 12, 1977, the complainant requested copies of the fiscal report of the Probate District of Shelton for the years 1975 and 1976.
3. This request was denied by letter of the respondent administrator dated January 19, 1977.
4. From such denial the complainant appealed to this Commission by letter filed on January 21, 1977, alleging therein that her right to apply for and to receive a copy of a public record under §1-15, G.S., has been wrongfully denied.
5. The respondent probate court administrator has in his files two pages of reports relating to the complainant's request herein, which reports are public records within the meaning of §1-18a(d), G.S.
6. The respondent administrator contends that he is only required to open the requested record to public inspection under §45-26(c), G.S. It is his contention that §45-26(c), G.S., a statute specific in its terms, must prevail over the general requirements under §1-15, G.S., providing for the production of plain copy by a public agency upon written application.
7. The Commission notes the following rule of statutory construction: where separate laws relating to the same subject matter can be reconciled, both must be given effect concurrently.

8. §45-26(c) says nothing repugnant to the production of copy of a public record.

9. It is therefore concluded that the respondent administrator's denial of the aforesaid request constituted 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.

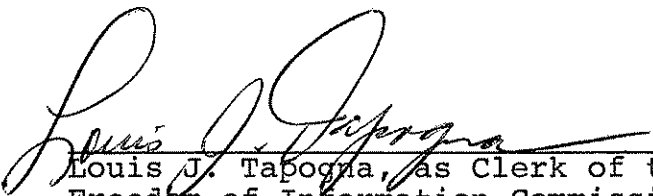
1. The respondent administrator shall forthwith provide plain copies of the records described in paragraph 2 above, in accordance with the provisions of §1-15, G.S.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on April 13, 1977.



Louis J. Tapogna, as Clerk of the
Freedom of Information Commission