

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Walter R. Slattery,

Complainant

Report of Hearing Officer

Docket #FIC79-148

March 9, 1981

against

Town of New Canaan; Planning
and Zoning Commission of the
Town of New Canaan; and Zoning
Inspector of the Town of New
Canaan,

Respondents

The above-captioned matter was heard as a contested case on January 30, 1980 at which time the complainant and the respondents appeared and presented evidence 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. On June 22, 1979 the complainant made a written request for a photocopy of a map entitled "subdivision map prepared for B.E.G. Realty Corporation" and certified under date of March 21, 1979.
3. By certified letter of July 6, 1979 the request for a copy was denied by the zoning inspector who stated that the map would be available for inspection only.
4. From such denial, the complainant filed a written complaint with the Commission on July 11, 1979.
5. The respondent contended that the record which was sought was not subject to disclosure under §1-15 or §1-19(a), G.S. because it was private property and not a public record.
6. §1-18a(d), G.S. defines "public records or files" as any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, whether such data or information be handwritten, typed, tape recorded, printed, photostated, photographed or recorded by any other method.

7. The record in question was retained in the files of the Planning and Zoning inspector in a file numbered 980 and identified as 36 Bank Street (Lot 911 - Block 49 Map A).

8. It is found that the requested record is a public record within the meaning of §1-18a(d), G.S. because it is retained in the files of a public agency.

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

1. The respondent inspector shall provide the complainant with a copy of the record described at paragraph 2.

Judith A. Lakey
Helen M. Loy

Commissioner Helen M. Loy
as Hearing Officer

Approved by Order of the Freedom of Information Commission at its regular meeting of April 22, 1981.

Wendy Rae Briggs
Wendy Rae Briggs
Clerk of the Commission