

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Energy Combine, Inc and W. H.
Bulmahn,

Complainants

Report of Hearing Officer

against

Docket #FIC79-195

Department of Consumer Protec-
tion of the State of Connecticut,
Respondent

April 9, 1980

The above captioned matter was heard as a contested case on March 22, 1980, at which time the complainants and the respondent 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 respondent is a public agency within the meaning of §1-18a(a), G.S.
2. By letter dated August 24, 1979 the complainant Bulmahn requested a copy of a letter of complaint against the complainant company which led to a Department of Consumer Protection investigation of that company.
3. The complainant Bulmahn's letter of August 24, 1979 was received by the respondent on August 27, 1979.
4. The respondent failed to respond to the complainant's request within four business days as required by §1-21, G.S., and hence the request was effectively denied.
5. By letter dated September 5, 1979, the complainant appealed the denial of the requested document to this Commission.
6. The Department of Consumer Protection's authority to conduct investigations with respect to alleged or potential unfair trade practices is derived from Chapter 735a of the General Statutes, specifically §42-110d(a), G.S.
7. Prior to October 1, 1979, §42-110d(a), G.S. provided that information obtained pursuant to powers conferred by Chapter 735a should not be made public or disclosed by the commissioner or attorney general or their employees beyond the extent necessary for law enforcement purposes in the public interest.
8. Public Act 79-395, effective October 1, 1979, amended §42-110d(a) to allow the commissioner to disclose:
 - a) the name and address of a person against whom a complaint or complaints have been filed alleging a violation or violations of the provisions of this chapter;

b) the total number of complaints filed against a specific person for the current calendar year and the previous calendar year; and

c) a numerical breakdown of the disposition of complaints.

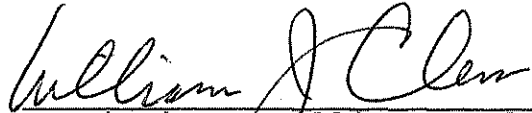
9. The complainant requested a copy of a complaint.

10. Copies of complaints do not fall within the limited disclosure provisions of §42-110d(a), G.S.

11. It is therefore found that §1-19(a) and §42-110d(a), G.S. read together give the respondent commissioner authority to deny access to the record requested by the complainant.

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.



Commissioner William J. Clew
as Hearing Officer

Approved by order of the Freedom of Information Commission on May 14, 1980.



Leslie Ann McGuire
Clerk of the Commission