

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Leo Ostar,

FINAL DECISION

Complainant

Docket #FIC83-159

against

April 11, 1984

Water Pollution Control Authority
of the Town of Middlebury,

Respondent

The above captioned matter was heard as a contested case on January 17, 1984 at which time 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. By letter of complaint filed with the Commission on July 25, 1983 the complainant alleged that the respondent had failed to make an agenda available for its July 19, 1983 regular meeting. The complainant's allegation regarding a meeting held on June 28, 1983 was withdrawn by the complainant at hearing. The complainant also alleged that documents requested on July 5, 1983 had not yet been received.
3. At hearing, the complainant requested that the Commission impose a fine against the members of the respondent, pursuant to §1-21i(b), G.S.
4. The respondent conceded that no agenda was made available for its July 19, 1983 meeting.
5. The respondent represented that it has, since the filing of the complainant's complaint, made agendas available for its regular meetings in compliance with §1-21, G.S.
6. It is found that on July 5, 1983 the complainant made a written request for certain documents maintained by the respondent.
7. On July 5, 1983 the complainant was allowed to inspect the requested documents but did not receive copies of them until early in October, 1983.

8. It is found that the respondent violated §§1-15 and 1-19(a), G.S. when it failed to provide the complainant with copies of public records promptly upon request.

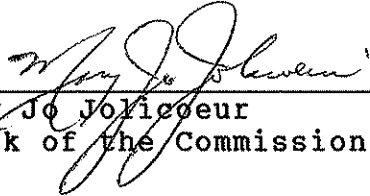
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint.

1. The respondent shall continue to act in strict compliance with the requirements of §1-21, G.S., regarding the availability of agendas for its regular meetings.

2. The respondent shall henceforth act in strict compliance with the requirements of §§1-15 and 1-19(a), G.S.

3. The Commission hereby declines to impose fines against the members of the respondent as requested by the complainant.

Approved by order of the Freedom of Information Commission at its regular meeting of April 11, 1984.



Mary Jo Jolicœur
Clerk of the Commission