

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by                      Final Decision

Peggy Brennan,

Complainant

against                      Docket #FIC 93-261

Vincent Palmieri, North Haven Finance Director,

Respondent                      March 9, 1994

The above-captioned matter was heard as a contested case on December 16, 1993, at which time the complainant and respondent appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1.        The respondent is a public agency within the meaning of  1-18a(a), G.S.
2.        It is found that on the morning of August 19, 1993, the complainant made an in-person request for access to bid documents related to North Haven's insurance procurement (hereinafter "bid records").
3.        It is found that the respondent declined to make the bid records available to the complainant at that time, although the respondent did grant access to the bid records to the complainant's companion while the complainant waited in the respondent's outer office.
4.        By letter dated September 16, 1993, and filed with the Commission by facsimile transmission on September 17, 1993, the complainant alleged that the respondent had improperly denied her access to public records and she requested the imposition of a civil penalty.

Docket #FIC 93-261

Page 2

5.        It is found that the bid records are public documents within the meaning of   1-18a(d) and 1-19(a), G.S.
6.        The respondent maintains that the bid records were made available to the complainant's companion and not to the complainant because the companion had written a letter indicating that on August 19, 1993, he wanted access to the bid records. The respondent maintains that he then made arrangements to monitor one person in his office while the bid records were inspected.
7.        It is found that while the complainant was given access to the bid records on August 31,

1993, some twelve days after her initial request, inspection of the records was permitted only after her request for access to the bid records was put in writing to the respondent.

8. Conn. Gen. Stat. §1-19(a) states in relevant part that:

(a) Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, ... shall be public records and every person shall have the right to inspect such records promptly during regular office or business hours .... [Emphasis added.]

9. It is found that neither §1-15 nor 1-19(a), G.S., requires a person seeking access to public records to either put that request in writing or to wait four business days for compliance.

10. It is concluded that the respondent violated the public access provisions of §1-19(a), G.S., when he failed to promptly provide the complainant with access to the nonexempt bid records.

11. It is found that the respondent's refusal to provide the complainant with access to the bid records on August 19, 1993, was without reasonable grounds.

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

1. The Commission hereby imposes a civil penalty against the respondent in the amount of twenty-five (\$25.00). The aforementioned civil penalty shall be remitted to the Commission within forty-five days of the date of mailing the notice of final decision in this case.

Docket #FIC 93-261

Page 3

2. Henceforth the respondent shall strictly comply with the public access provisions of §1-19(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 9, 1994.

Elizabeth A. Leifert  
Acting Clerk of the Commission

Docket #FIC 93-261

Page 4

PURSUANT TO SECTION 4-180(c), G.S. THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Ms. Peggy Brennan  
100 Fitch Street  
North Haven, CT 06473

Vincent Palmieri, North Haven Finance Director  
c/o Robert K. Ciulla, Esq.  
Tyler, Cooper & Alcorn  
P.O. Box 1936  
New Haven, CT 06510

Elizabeth A. Leifert  
Acting Clerk of the Commission