

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complainant by)
Richard A. Johnson, Complainant) Report of Hearing Officers
against) Docket #FIC75-2
Ralph W. Hadley and the)
Connecticut Department of)
Transportation, Respondents)
November 20, 1975

The above-captioned matter was heard as a contested case on November 5, 1975, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the evidence the following facts are found:

1. The respondent Department of Transportation of the State of Connecticut is a public agency.
2. Ralph W. Hadley is custodian of the files which contain the records setting forth payment of certain fees.
3. On October 7, 1975, complainant requested records disclosing the fees paid to Amerigo Scarpa, Marvin Gates, the Gates-Scarpa partnership and Construction Estimating, Inc., by the public agency connection with a series of eminent domain proceedings in which Scarpa, et al, had furnished services to the public agency.
4. This request for public records does not encompass the reports of these engineers to the public agency, but is limited to the charges for services furnished in any matter for which they were hired. Consequently, the access of the complainant to such reports is not before the Commission in this hearing.

5. Payment for engineering services rendered by the concerns and persons noted in paragraph 3 hereof is made by the public agency pursuant to approved payment vouchers, which are stored in its files with other records of condemnation matters, some of which are closed and some of which are pending.

6. The following are found to be matters that concern pending claims and litigation to which the public agency is a party. Such litigation or claims in each such matter had not yet been finally adjudicated or settled at the time of this request: E&F Realty, Morris J. Feinson; Greenfield Development; Gulacsy; N. Thompson Hooper; Alfred H. Jurgens, Sr.; Michael E. Kindel, Jr.; Estate of John N. Wakeman.

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

1. Except as to the pending claims and litigation listed in paragraph 6 hereof, the respondents are ordered to permit the complainant to inspect the record consisting of each payment voucher that shows the approved authorization for payment for engineering services furnished by Gates-Scarpa, the partnership, and the estimating company as set forth in the list of matters attached to the complaint.

2. In the event a copy or certified copy of each such voucher shall be requested by the complainant in writing, the respondents are ordered to furnish copies subject to the charges that the public agency has established for this service under Section 1-15 of the Connecticut General Statutes, as amended by Section 5 of Public Act 75-342.



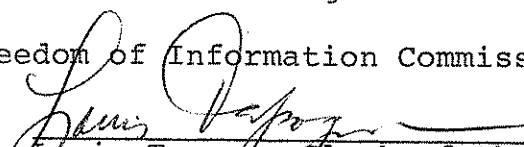
Commissioner Herbert Brucker



Henry Cohn, Esquire

Hearing Officers

Approved by order of the Freedom of Information Commission on December 10, 1975.



Louis Tapogna Clerk of the Commission