

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Barbara A. Smith,)
Complainant) Report of Hearing Officer
against) Docket #FIC78-131
State of Connecticut; and the) October 18, 1978
Department of Consumer Pro-)
tection of the State of)
Connecticut; and the Commis-)
sioner of the Department of)
Consumer Protection,)
Respondents)

The above captioned matter was heard as a contested case on September 7, 1978 at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.
2. By letter dated June 8, 1978 the complainant requested access to records concerning the results of the investigations of the respondent commissioner pertaining to certain specifically identified corporations.
3. By letter dated June 16, 1978 the respondent commissioner denied the complainant access to the requested records on the basis of §42-110d(a), G.S.
4. By letter filed July 3, 1978 the complainant appealed to this Commission claiming that disclosure of the requested records is mandated because it is in public interest.
5. The complainant narrowed her request for records at hearing because some of the requested records had been obtained through other sources.
6. §42-110d(a), G.S. is part of Chapter 735a of the General Statutes which pertains to unfair trade practices.
7. §42-110d(a), G.S. gives the respondent commissioner the power to order investigations but it also provides that information obtained pursuant to powers conferred by Chapter 735a shall 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. The complainant did not prove that disclosure of the requested records would result in law enforcement in the public interest.

9. 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 records requested by the complainant.

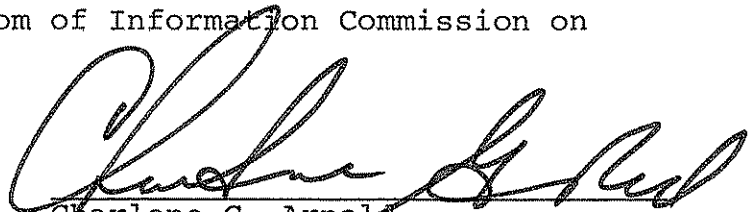
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The complaint is hereby dismissed.


Commissioner Donald Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on
November 8, 1978.


Charlene G. Arnold
Clerk of the Commission