

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Richard C. Robinson

Docket #FIC78-94

Complainant(s)

February 8, 1984

v.

Dept. of Administrative
Services, Bureau of Public
Works, and Deputy Commissioner
of Dept. of Administrative
Services, Bureau of Public
Works, State of Connecticut

Respondent(s)


The above captioned matter was decided by the Freedom of Information Commission on September 13, 1978. Thereafter the matter was appealed to the Superior Court where a decision was issued November 23, 1981 by Judge Bernstein ordering that the case be remanded to the Commission so that the agency could present further evidence as to the contents of the relevant documents.

Thereafter on September 7, 1982 a scheduled hearing was postponed because the parties alleged they were negotiating a settlement. On October 11, 1983 the Commission notified the complainant that unless the complainant notified the Commission that he wished to proceed with the matter that it would be dismissed. No response has been received from the complainant.

Based upon the foregoing facts the following order should enter.

1. The above entitled matter is hereby dismissed.

Approved by order of the Freedom of Information Commission at its regular meeting of February 8, 1984.



Mary Jo Jolicoeur
Clerk of the Commission

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Richard C. Robinson, Complainant))	Final Decision
against))	Docket #FIC78-94
State of Connecticut; the Department of Administrative Services, Bureau of Public Works of the State of Connecticut; and the Deputy Commissioner of the Department of Administrative Services, Bureau of Public Works of the State of Connecticut, Respondents))	September 13, 1978

The above captioned matter was heard as a contested case on July 10, 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 May 11, 1978 the complainant requested access to inspect or copy the records of the respondent bureau and commissioner which related to renovations and improvements of the Southbury Training School.

3. In the aforesaid letter the complainant stated his willingness to exclude from his request records relating to strategy and negotiations with respect to pending claims and litigation.

4. The respondents claimed that the documents which were requested were exempt from disclosure under §1-19b(3) and §1-19(b)(4), G.S.

5. The documents requested are maintained by several sections of the respondent bureau including the design and review and the construction sections as well as the office of the director of the bureau of public works.

6. Claims relating to renovations and improvements at the Southbury Training School are presently in arbitration.

7. The complainant is an attorney representing one of the parties to the aforesaid arbitration.

8. It is found that the respondents failed to prove that any order by the Freedom of Information Commission would affect the rights of litigants or parties to administrative proceedings under the laws of discovery of this state.

9. It is further found that as a matter of law the §1-19b(3), G.S., does not create an exemption to disclosure under the Freedom of Information Act which deprives the complainant of rights which are available to any other person within the meaning of §1-18a(c), G.S. simply because the parties in the instant case are litigants or parties to administrative proceedings.

10. It is concluded that §1-19b(3), G.S. does not exempt the requested records from disclosure.

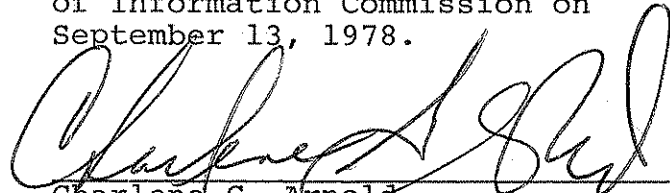
11. It is found that the respondents failed to prove that any of the requested records pertained to strategy and negotiations with respect to pending claims and litigation to which the respondent agency is a party.

12. It is concluded, therefore, that §1-19(b)(4), G.S. does not exempt the requested records from disclosure.

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

1. The respondents shall forthwith provide the complainant with access to the records requested in his letter of May 11, 1978 described in paragraph 2 above.

Approved by order of the Freedom
of Information Commission on
September 13, 1978.



Charlene G. Arnold
Clerk of the Commission