

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Frank G. Kiss,

Report of Hearing Officer

Complainant

Docket #FIC81-78

against

December 9, 1981

City and Town of Stamford;
Health Department of the City
and Town of Stamford,

Respondents,

The above captioned matter was heard as a contested case on October 9, 1981, at which time the complainant and the respondent health department, 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:

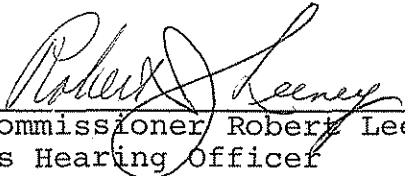
1. The respondent health department is a public agency as defined by § 1-18a(a), G.S.
2. On April 2, 1981 an employee of the respondent health department, acting on an anonymous complaint, made an inspection of the complainant's property for health violations.
3. By letter dated April 8, 1981, the complainant made a request to the respondent health department for a copy of the anonymous letter of complaint which the complainant believed had been received by the respondent health department.
4. By letter dated April 15, 1981, the respondent health department responded to the complainant's request by stating that the complaint referred to in paragraph 2, above, had been received as an anonymous phone call, not in letter form.
5. By letter filed with the Commission on May 13, 1981, the complainant appealed the respondent health department's failure to produce the alleged anonymous letter of complaint.
6. The respondent health department claimed, in its defense, that no document fitting the description in paragraph 2, above, was ever prepared, owned, used, received or retained by the respondent health department.
7. It is found that an affidavit purporting to substantiate the respondent health department's claim in paragraph 6, above, stated that on March 20, 1981 "an anonymous telephone call was received by the Health Department complaining of large piles of newspapers

at 50 Barmore Drive on property owned by Frank G. Kiss."

7. It is found that the affidavit referred to in paragraph 6, above, failed to unequivocally deny the existence of a letter as described in paragraph 2, above.

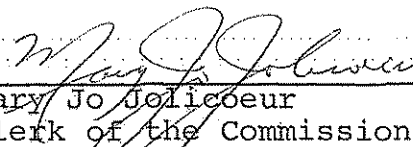
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondent health department shall produce, within two weeks of notice of the Final decision in this matter, an affidavit stating that no anonymous letter of complaint as described in paragraph 2 of the findings, above, was ever received or acted upon by the respondent health department.



Commissioner Robert Leeney
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of January 27, 1982.



Mary Jo Jolicœur
Clerk of the Commission