

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Mary Katz,

FINAL DECISION

Complainant

Docket #FIC84-240

against

Attorney Francis Morrison
and Day, Berry and Howard,

April 24, 1985

Respondents

The above captioned matter was heard as a contested case on February 26, 1985 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. On or about October 15, 1984 the complainant submitted a written request to the town clerk of Windsor for copies of minutes of town council meetings.

2. The respondents are special counsel for the Town of Windsor in a lawsuit entitled Hallas, et al v. Town of Windsor, et al. The complainant is a pro se plaintiff in the lawsuit.

3. In response to the complainant's October 15, 1984 request, the respondent Francis Morrison sent a letter dated October 17, 1984 to the complainant, which letter included the following:

The Town will produce to you the documents requested at the Town Clerk's office. We request, however, that you advise us as lawyers for the Town when you wish to have documents produced by the Town that relate to the [Hallas] litigation so that we will be aware of your requests and can respond thereto and be aware of your contacts with Town employees and officials so we can monitor them if we choose.

4. By letter of complaint filed with the Commission on November 13, 1984 the complainant alleged that Attorney Morrison's letter was an improper precondition on the disclosure of non-exempt records, in violation of the Freedom of Information Act.

5. It is found that Mr. Morrison's October 17, 1984 letter was phrased as a request with which the complainant was not required to comply as a prerequisite to obtaining records from the Town of Windsor.

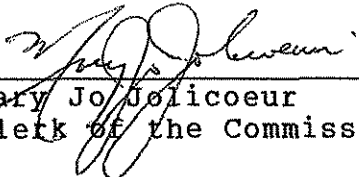
6. It is therefore found that the respondents did not impose preconditions upon the complainant's access to records, in violation of §§1-15 or 1-19(a), G.S.

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.

2. It is noted that even when formal pre-conditions are not imposed, public agencies should not request that a person take any action other than requesting access to public records, as provided by §§1-15 and 1-19, G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of April 24, 1985.



Mary Jo Jolicoeur
Clerk of the Commission