FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Herbert Hallas,

Complainant

against

Town Manager of the Town of Windsor,

Respondent

FINAL DECISION

Docket #FIC85-36 and FIC85-38

August 28, 1985

The above captioned matter was heard as a contested case on April 30, 1985 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.

2. By letter dated January 9, 1985 the complainant, through his counsel, made a request of the respondent for copies of certain public records, to be certified by the respondent, listed in 54 numbered paragraphs, such records to be available on or about January 28, 1985. On or about January 28, 1985 the complainant, through his counsel, agreed to a one-week extension of time for the respondent, until February 4, 1985.

3. On February 7, 1985 the complainant, having gone to the office of the town clerk to pick up other documents, was provided with a stack of documents, some of which were those requested from the respondent, each of which was certified by the deputy town clerk.

4. The complainant accepted and paid for those documents which he felt related to the business of the town council of the town of Windsor but did not accept those documents which he felt were not kept on file by the town clerk or which he had already obtained as uncertified documents from the respondent. The complainant's refusal was based on his claim that the documents should not have been certified by anyone other than an employee of the office of the respondent.

5. Later on February 7, 1985 the complainant renewed his request for certified documents at the office of the respondent and was told that the documents had been taken to the town clerk's office for certification.

6. The complainant then informed the respondent by letter dated February 7, 1985 that those copies certified by the town clerk were not acceptable.

7. By letter of complaint filed with the Commission on February 11, 1985 the complainant alleged that the respondent's "failure or refusal" to personally certify copies of public records violated §§1-15 and 1-19(a), G.S.

8. By letter filed with the Commission on February 19, 1985 the complainant indicated that his attorney had been told that if the complainant continued to refuse copies certified by the deputy town clerk, counsel for the respondent would pursue sanctions against the complainant from the Freedom of Information Commission. The complainant indicated his intention to address the respondent's statement at hearing.

9. The complainant's February 19, 1985 letter, assigned a separate docket number of FIC 85-38, was combined at hearing with FIC 85-36.

10. At hearing the complainant objected to the participation of Attorney Vincent Oswecki as counsel for the respondent, which objection was overruled.

11. The complainant claims that as a plaintiff in a lawsuit involving the Town of Windsor he needs properly certified copies of documents and that copies certified by the deputy town clerk rather than the town manager do not meet this need.

12. Pursuant to §7-101, G.S. the town clerk has custody of the seal of the town of Windsor. The respondent does not have a seal with which to certify documents.

13. The deputy town clerk testified at hearing that the respondent gave her copies of documents to copy, that she copied them herself or had them copied, verified that they were true copies and certified them.

14. The complainant did not allege that the copies provided were not true copies or that his request for certification of documents was denied.

15. It is found that upon request, the complainant received certified copies of public records. Nothing in the Freedom of Information Act sets forth a requirement such as has been proposed by the complainant.

16. It is concluded that the complainant's claim that documents certified by one public official should have been certified by another does not allege a violation of the Freedom of Information Act.

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.

Approved by order of the Freedom of Information Commission at its regular meeting of August 28, 1985.

Mary Jo Jolicoeur
Clerk of the Commission