

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Bettina Drew,

Complainant

against

Docket #FIC 2016-0337

Commissioner, State of Connecticut,
Department of Emergency Services
and Public Protection; and State of
Connecticut, Department of
Emergency Services and
Public Protection,

Respondents

December 7, 2016

The above-captioned matter was heard as a contested case on July 28, 2016, at which time the complainant and the respondents 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 and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter dated and filed May 3, 2016, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by not complying with an order in a final Commission decision reached in a previous complaint, which the complainant had filed against these respondents.
3. The Commission takes administrative notice of the final decision in Docket #FIC 2015-318; Bettina Drew v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection, et al., (Apr. 27, 2016). In the final decision, the Commission ordered the respondents to provide the complainant 123 pages of records, at no charge. The Commission notes that 158 pages of records were at issue. However, the Commission determined that 35 of the 158 pages were exempt from disclosure pursuant to §1-210(b)(2), G.S.
4. In the instant case, the complainant contends that the respondents failed to comply with the Commission's April 27, 2016 order because they only provided her with 125 pages of records.

5. At the contested case hearing on the non-compliance complaint, the respondents submitted an exhibit containing the records that they disclosed pursuant to the Commission's April 27, 2016 order.

6. Upon comparison of the in camera records that were submitted in the context of the previous matter (which records are still in the Commission's possession) with the exhibit of disclosed records referred to in paragraph 5, above, it is found that the respondents disclosed the 123 pages of records that the Commission ordered them to disclose, as well two additional pages that the Commission did not order them to disclose.

7. Accordingly, it is concluded that the respondents did not fail to comply with this Commission's order in Docket #FIC 2015-318. It is further concluded that the respondents did not violate the FOI Act as alleged in the instant complaint.

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 December 7, 2016.



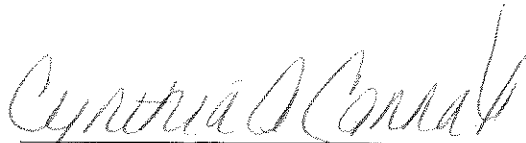
Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Bettina Drew
826 Elm Street
New Haven, CT 06511

Commissioner, State of Connecticut, Department of
Emergency Services and Public Protection; and State
of Connecticut, Department of Emergency Services
and Public Protection
c/o Stephen R. Sarnoski, Esq.
Assistant Attorney General
State of Connecticut,
Office of the Attorney General
110 Sherman Street
Hartford, CT 06105



Cynthia A. Cannata
Acting Clerk of the Commission