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# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Socorro Barron,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2013-020

Property Manager, Ridgefield Housing  
Authority, and Ridgefield Housing Authority,  
Respondent(s)

June 25, 2013

### Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, July 24, 2013**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE July 12, 2013**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE July 12, 2013**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE July 12, 2013**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of  
Information Commission

W. Paradis  
Acting Clerk of the Commission

Notice to: Socorro Barron  
Andrew J. Buzzi, Jr., Esq.

6/25/13/FIC# 2013-020/Trans/wrbp/CAL/VDH

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Socorro Barron,

Complainant

against

Docket # FIC 2013-020

Property Manager, Ridgefield Housing  
Authority; and Ridgefield Housing  
Authority,

Respondents

June 21, 2013

The above-captioned matter was consolidated for hearing with Docket # FIC 2012-673, Socorro Barron v. Property Manager, Ridgefield Housing Authority; and Ridgefield Housing Authority. Both matters were scheduled to be heard as contested cases on June 5, 2013, 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 and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1)(A), G.S.
2. It is found that by letter dated December 14, 2012, the complainant made a request to the respondents for “a copy of the Inspection report that Doug Sheperd had me sign on December 4, 2012” and “copies of the Inspection Reports for my apartment for the past five years (the “requested records”).
3. It is found that, by letter dated January 6, 2013 and filed with the Commission on January 14, 2013, the complainant appealed to the Commission, alleging that the failure of the respondents to provide the requested records violated the Freedom of Information Act (“FOIA”). The complainant also requested that the Commission assess a civil penalty of \$1,000 against the respondent Authority and order that the respondent Property Manager attend an FOIA training session.
4. Section 1-200(5), G.S., provides:  
  
“Public records or files” means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency,

or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

5. Sections 1-210(a) and 1-212(a), G.S., state, respectively, in relevant parts:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

...

Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.

6. It is concluded that the requested records, if any exist, are “public records” within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

7. It is found that on January 16, 2013, the respondent Property Manager provided a package of the requested records to the complainant. These records comprised U.S. Department of Housing and Urban Development inspection forms as well as an inspection report dated May 7, 2008.

8. It is found that WinnResidential now manages the relevant property for the respondent Authority. WinnResidential has been managing the relevant properties only since 2011, and acknowledges that records management prior to 2011 was not diligent.

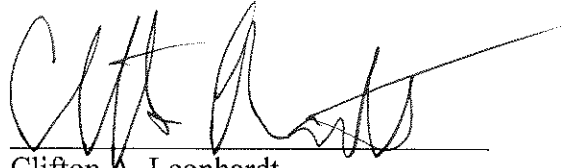
9. Based on the credible sworn testimony of Lucille Reynolds, an Executive Property Manager at WinnResidential, it is found that the respondents do not maintain any additional requested records, copies of which have not been provided to the complainant.

10. It is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., by failing to provide copies of requested records which they maintained.

11. It is found that no relief or civil penalty is appropriate, given the conclusion that the respondents did not violate the FOI 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.

A handwritten signature in black ink, appearing to read 'Clifton A. Leonhardt', written over a horizontal line.

Clifton A. Leonhardt  
as Hearing Officer

FIC2013-020/HOR/CAL/06212013