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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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Seth Wolfe,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-279

Chief, Police Department, Town of Clinton;
Police Department, Town of Clinton;
and Town of Clinton,
Respondent(s)

December 15, 2014

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, January 14, 2015**. 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 January 2, 2015**. 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 January 2, 2015**. 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 January 2, 2015**, 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: Seth Wolfe
John S. Bennet, Esq.

2014-12-15/FIC# 2014-279/Trans/wrbp/TCB//GFD

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Seth Wolfe,

Complainant

against

Docket #FIC 2014-279

Chief of Police Department,
Town of Clinton; Police Department,
Town of Clinton; and Town of Clinton,

Respondents

December 8, 2014

The above-captioned matter was heard as a contested case on October 23, 2014, 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 e-mail dated April 28, 2014, the complainant made a request to the respondents for the following:
 - a. “copies of all prisoner transports conducted by officer DePietro in August of 2010 . . . [d]ates must include August 8, 2010 . . . [d]ocument must include where prisoner was transported to, the time of day and the person who signed for the prisoner, with their names clearly visible, and the name of the prisoner transported;
 - b. copies of all related documents that document transport conducted by officer DePietro on August 2, 2010 . . . [d]ocuments must clearly show where officer DePietro delivered them to, who signed for them with their name clearly visible and what time they were delivered;

- c. timecards for officers DePietro, Sepega, Lucas, Lawrie for the entire month of August 2010;
- d. copy of minutes and topics discussed at the board of police commissioners meeting conducted in January 2011, topics must include pay increases for Todd Lawrie as well as Thomas Lucas;
- e. copy of original report conducted by officers Sepega on April 9, 2013 regarding Seth Wolf; and
- f. copies of all emails and phone records to and by any member of the Clinton police department and town officials including William Fritz in regards to Seth Wolfe on April 9 through 10, 2013, which should include the complete chain of email communications.”

3. By e-mail dated and filed on May 8, 2014, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with his records request.

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. Section 1-210(a), G.S., provides in relevant part that:

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.

6. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

7. It is found that the requested records described in paragraph 2, above, to the extent they exist, are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

8. The complainant stated on the record in this case, and it is found, that he was provided with all records responsive to his April 28, 2014 request except for those described in paragraph 2f, above. Consequently, those records are the only records at issue in this matter.

9. The Commission takes administrative notice of the record and decision in Docket #FIC2014-278, which dealt with all the records requested in the complainant’s April 28, 2014 request at issue in this case - specifically whether the respondents maintained records responsive to the complainant’s request described in paragraph 2f, above.

10. Specifically, the Commission takes administrative notice of paragraphs 4, 10, 11, and 12 of the final decision in Docket #FIC2014-278, which provide:

4. It is found that the respondents on May 23, 2014 provided copies [of] all records in their custody that were responsive to the complainant’s request.

10. The complainant maintains that additional responsive records exist.

11. It is found that there is no reason to believe that additional records exist. Further, it is found that the respondents provided all records responsive to the complainant’s request.

12. It is concluded that the respondents did not violate the FOI Act as alleged.

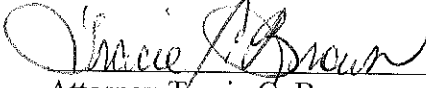
11. It found that the complainant provided no new evidence that would support a finding that the respondents maintain additional records responsive to his request or more specifically records responsive to his request described in paragraph 2f, above.

12. It is found that there still remains no reason to believe that additional records exist. Further, it is found that the respondents provided all records responsive to the complainant’s request.

13. It is concluded, therefore, that the respondents did not violate the FOI Act as alleged by the complainant.

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.



Attorney Tracie C. Brown
as Hearing Officer