

Since 1975



# FREEDOM OF INFORMATION



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

Notice of Meeting

Docket #FIC 2015-319

Director, Office of Student Financial Aid Services; and  
Director, Division of Athletics, State of Connecticut,  
University of Connecticut; and State of Connecticut,  
University of Connecticut,  
Respondent(s)

March 22, 2016

### 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, April 13, 2016**. 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 March 31, 2016**. 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 March 31, 2016**. **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 **fifteen (15) copies** be filed **ON OR BEFORE March 31, 2016**, 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: Gregory Tarone  
Assistant Attorney General Holly J. Bray

03/22/2016/FIC# 2015-319/Trans/wrbp/VRP//LFS

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Gregory Tarone,

Complainant

against

Docket #FIC 2015-319

Director, Office of Student Financial Aid  
Services; Director, Division of Athletics,  
State of Connecticut, University of  
Connecticut; and State of Connecticut,  
University of Connecticut,

Respondents

March 22, 2016

The above-captioned matter was heard as a contested case on October 15, 2015, 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 of complaint filed May 7, 2015, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with his requests for certain public records.
3. It is found that the complainant first made a March 24, 2015 request to the University of Connecticut Student Financial Aid Services to inspect or obtain copies of records reflecting (a) the number of athletic scholarships awarded in 2012, 2013, 2014 and 2014; (b) the number of multi-year grants awarded, identified by gender and sport, in 2012, 2013, 2014 and 2015; and (c) the number of year-to-year grants awarded, identified by gender and sport, in 2012, 2013, 2014, and 2015.
4. It is found that the complainant also made a March 24, 2015 request to the University of Connecticut Office of the Athletic Director to inspect or obtain copies of the rules governing player conduct for the men's basketball team (the "team rules").
5. It is found that the complainant's March 24, 2015 requests were forwarded on or about April 6, 2015 to Elizabeth Vitullo at the University of Connecticut Office of

Audit, Compliance and Ethics, who provided a link to the student handbook containing rules governing conduct by student athletes on April 6, 2015, and acknowledged the remaining requests on April 10, 2015.

6. It is found that the complainant renewed his requests concerning athletic scholarships and team rules by email dated April 10, 2015.

7. It is found that Ms. Vitullo obtained the information concerning athletic scholarships sometime in April, 2015, and provided records on May 11, 2015, satisfying that portion of the complainant's request.

8. It is also found that Ms. Vitullo ascertained that there are no written men's basketball team rules, other than the rules contained in the student handbook.

9. 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.

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

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.

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

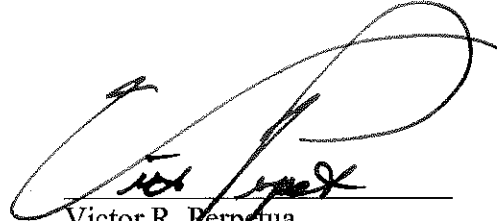
12. It is concluded that the requested records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

13. It is found that the respondents promptly provided all the records responsive to the complainant's request.

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

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is dismissed.

A handwritten signature in black ink, appearing to read "Victor R. Perpetua", is written over a horizontal line. The signature is stylized with large loops and a prominent flourish at the end.

Victor R. Perpetua  
as Hearing Officer