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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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Mark Dumas,
Complainant(s)
against

Louis DeCilio, Registrar of Voters, Town of Stratford;
Richard Marcone, Registrar of Voters, Town of Stratford;
and Town of Stratford,
Respondent(s)

Notice of Meeting

Docket #FIC 2015-600

June 13, 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, lst floor, Hartford, Connecticut, at **2 p.m. on Wednesday, July 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 July 1, 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 July 1, 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 July 1, 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: Mark Dumas
Bryan L. LeClerc, Esq.

FIC# 2015-600/Trans/wrbp/TCB//VB/2016-06-13

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by | Report of Hearing Officer

Mark Dumas,

Complainant

against | Docket #FIC 2015-600

Louis DeCilio, Registrar of Voters,
Town of Stratford; Richard Marcone,
Registrar of Voters, Town of Stratford;
and Town of Stratford,

Respondents | June 9, 2016

The above-captioned matter was heard as a contested case on March 2, 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. It is found that by email dated August 31, 2015, the complainant made the following request:

> "Pursuant to the Connecticut Freedom of Information Act, Conn. Gen. Stat. §1-200, et seq., and as otherwise required or permitted by law, I am requesting an electronic copy of the following records:
>
> 1. The current voter registration information/data for voters in Town Council District 2.
>
> ...If there is any confusion regarding this request, I am simply requesting an updated version of the file that was emailed to me in January of this year by your office. A copy of the January 2015 file is attached."

3. By letter dated September 11, 2015 and filed on September 14, 2015, the complainant appealed to this Commission alleging that the respondents violated the

Freedom of Information ("FOI") Act by denying his request. The complainant requested the imposition of a civil penalty against the respondent mayor.

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 ... 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, 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. It is found that in January 2015, the registrar of voters created an excel spreadsheet which included the voter registration information for all registered voters in the town of Stratford (hereinafter "the spreadsheet").

9. It is found that the spreadsheet is not a document that is ordinarily created and maintained by the respondents but rather was specifically created for the complainant to accommodate his request for the information contained in it.

10. It is found that the spreadsheet was not required to be created, did not exist prior to its creation by the registrar of voters in January 2015, and has not been updated since it was created.

11. It is found that an updated version of the spreadsheet does not exist.

12. Consequently, it is concluded that the respondents did not violate the disclosure provisions of the FOI Act as alleged by the complainant.

13. Based on the findings and conclusions above, there is no basis to impose civil penalties in this matter.

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

FIC2015-600/hor/tcb/20160404