

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Mario Boone and WTNH,

Complainants

Docket # FIC 2018-0316

against

Mayor, City of New Haven;
and City of New Haven,

Respondents

January 9, 2019

The above-captioned matter was heard as a contested case on August 13, 2018, at which time the complainants and 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 sent April 24, 2018, the complainants requested “[i]temized expense reports paid by city of New Haven for each member of the city’s China delegation, including the mayor and all parties traveling with the mayor” (“April 24th request”). It is found that, in the Spring 2018, the Mayor and four employees of the City of New Haven traveled to China for diplomatic and business development purposes.
3. It is found that between April 24, 2018, and June 12, 2018, the complainants and respondents communicated several times regarding the April 24th request. It is found that the respondents informed the complainants that there were no records responsive to such request. It is also found, however, that the respondents provided the complainants with total cost amounts for the trip to China, described in paragraph 2, above.
4. By email received and filed on June 14, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to respond to their April 24th request, described in paragraph 2, above.
5. Section 1-200(5), G.S., defines “public records or files” as:

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.

6. 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... or (3) receive a copy of such records in accordance with section 1-212.

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

8. It is found that the records requested by the complainants, to the extent that they exist, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. At the hearing, the complainants testified that their April 24th request should be understood as seeking any document, including, but not limited to, credit card statements, detailing the total cost amount for the respondents' trip to China. The respondents testified that they understood the April 24th request to be for an "itemized expense report", a specific document, and not for additional documents such as credit card statements. The respondents testified that individual City departments handle the submission of itemized expense reports by department employees for employee travel; and that there is no deadline for the submission of expense reports. As of the hearing in this matter, no itemized expense report, breaking down the amounts for specific items (e.g., flight, hotel and meal allowances), had been submitted for those employees who attended the trip to China.

10. It is found that the respondents' interpretation of the April 24th request was reasonable.

11. It is found that the respondents did not have any records responsive to the April 24th request.

12. It is concluded that the respondents did not violate the disclosure provisions of §1-210(a), G.S., as alleged by the complainants.

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 January 9, 2019.



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:

MARIO BOONE, AND WTNH, 8 Elm Street, New Haven, CT 06510

MAYOR, CITY OF NEW HAVEN; AND CITY OF NEW HAVEN, c/o Attorney Kathleen Foster, City of New Haven, 165 Church Street, New Haven, CT 06510



Cynthia A. Cannata
Acting Clerk of the Commission