

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Donna Smirniotopoulos,

Complainant

against

Docket #FIC 2018-0185

Chairman, Common Council, City of
Norwalk; Common Council, City of
Norwalk; and City of Norwalk,

Respondents

March 13, 2019

The above-captioned matter was heard as a contested case on June 4, 2018, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. This case was consolidated for hearing with Docket #FIC 2018-0169, Donna Smirniotopoulos v. Mayor, City of Norwalk et al., and Docket #FIC 2018-0212, Donna Smirniotopoulos v. John Kydes et al.

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 April 12, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying her April 5, 2018 request for certain public records.
3. It is found that the complainant made an April 5, 2018 request to the respondents for “all correspondence, telephonic records, and personal appointment records, including those with the mayor, related to potential nominees to fill existing vacancies on the zoning commission for the positions of alternate.”
4. It is found that counsel for the respondents replied on April 10, 2018 that there was no formal application process for any board or commission opening.
5. It is found that the respondents searched for responsive records, and found none.
6. 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.

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

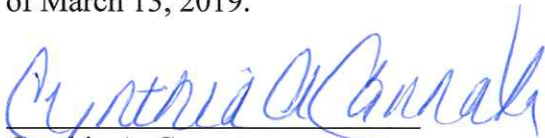
8. Section 1-212(a), G.S., provides in relevant part that "any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

9. It is concluded that, there being no records responsive to the complainant's request, 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.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 13, 2019.



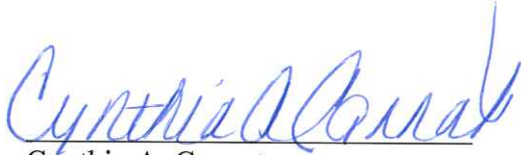
Cynthia A. Cannata
Acting Clerk of the Commission

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:

DONNA SMIRNIOTOPOULOS, 18 Shorefront Park, Norwalk, CT 06854

CHAIRMAN, COMMON COUNCIL, CITY OF NORWALK; COMMON COUNCIL, CITY OF NORWALK; AND CITY OF NORWALK c/o Attorney M. Jeffrey Spahr, Deputy Corporation Counsel, Office of Corporation Counsel, 125 East Avenue, P.O. Box 5125, Norwalk, CT 06856-5125



Cynthia A. Cannata
Acting Clerk of the Commission