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FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
Toll free (CT only): (866) 374-3617 Tel: (860) 566-5682 Fax: (860) 566-6474 • www.ct.gov/foi • email: foi@ct.gov

John Barney

Complainant(s)

against

Town Clerk, Town of Bloomfield; and
Town of Bloomfield

Respondent(s)

Notice of Rescheduled
Commission Meeting

Docket #FIC 2015-806

July 12, 2016

This will notify you that the Freedom of Information Commission has rescheduled the above-captioned matter, which had been noticed to be heard on Wednesday, July 27, 2016 at 2 p.m.

The Commission will consider the case at its meeting to be held at the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2:00 p.m. on Wednesday, August 10, 2016.**

Any brief, memorandum of law or request for additional time, as referenced in the June 23, 2016 Transmittal of Proposed Final Decision, should be received by the Commission on or before July 29, 2016.

By Order of the Freedom of Information Commission

W. Paradis,
Acting Clerk of the Commission

Notice to:

John Barney

Attorney Marc N. Needelman

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John Barney,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-806

Town Clerk, Town of Bloomfield; and Town of Bloomfield,
Respondent(s)

June 23, 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, July 27, 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 15, 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 15, 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 15, 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: John Barney
Attorney Marc N. Needelman

FIC# 2015-806/Trans/wrbp/TCB//LFS/2016-06-23

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

John Barney,

Complainant

against

Docket #FIC 2015-806

Town Clerk, Town of Bloomfield;
and Town of Bloomfield,

Respondents

June 9, 2016

The above-captioned matter was heard as a contested case on February 9, 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 letters dated November 2, and 10, 2015, the complainant made a request to the respondents for copies of all contracts between the town of Bloomfield and Marc N. Needleman or with the Law Offices of Marc N. Needleman.
3. It is found that by letters dated November 3, 2015 and November 16, 2015, the respondents informed the complainant that they had no such documents.
4. By letter dated November 23, 2015 and filed on November 24, 2015, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with his request.

5. 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.

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, (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.

7. 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.”

8. At the hearing on this matter, the complainant claimed that pursuant to certain provisions of the Rules of Professional Conduct, which govern the professional conduct and activities of lawyers, the town should have received and signed a contract from the town attorney setting out the services he would perform, the manner in which fees would be assessed, and the manner in which either party could terminate the contract.

9. At the hearing on this matter, the respondent clerk testified, and it is found, that the original of any contracts or documents, such as those requested by the complainant, would be maintained by and within her office.

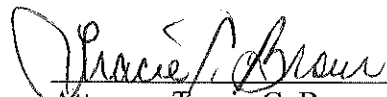
10. It is found that the respondent clerk searched her records and further, reached out to other departments within the town in search of the requested records and did not find any record responsive to the complainant’s request.

11. It is found that the requested records do not exist.

12. It is concluded, therefore, that the respondents did not violate the disclosure provisions of 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.

A handwritten signature in black ink, appearing to read "Tracie C. Brown", written over a horizontal line.

Attorney Tracie C. Brown
as Hearing Officer

FIC2014-524/hor/tcb/20160211