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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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Halina Trelski,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2016-0241

Director, State of Connecticut, Connecticut State Colleges  
and Universities; and State of Connecticut, Connecticut  
State Colleges and Universities,  
Respondent(s)

February 23, 2017

### 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, March 8, 2017**. 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 3, 2017**. 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 3, 2017**. **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 3, 2017**, 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: Helina Trelski  
Attorney Mary K. Lenehan

FIC# 2016-0241/Trans/wrbp/VRP//TCB/2017-02-23

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Halina Trelski,

Complainant

against

Docket #FIC 2016-0241

Director, State of Connecticut,  
Connecticut State Colleges and  
Universities; and State of  
Connecticut, Connecticut State  
Colleges and Universities,

Respondents

December 28, 2016

The above-captioned matter was heard as a contested case on June 21, 2016 and July 12, 2016, at which times 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 March 23, 2016, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide copies of public records.
3. It is found that the complainant made a March 16, 2016 request to the respondents for all letters and emails received by, or sent by, Mr. James Ebbeling, pertaining to the complainant's education or student loans, during the period February 1, 2016 to March 16, 2016.
4. It is found that Mr. Ebbeling had been assigned the task of responding to the complainant's issues regarding her previous attendance at Middlesex Community College, particularly the repayment of student loans she incurred when she was a student some ten years ago.
5. It is found that Mr. Ebbeling met with the complainant on February 11, 2016.

6. It is found that when Mr. Ebbeling subsequently received the complainant's request for his own emails and letters, he forwarded it that day to the respondents' designated FOI Act representative, out of Mr. Ebbeling's concern that he could be accused of withholding or deleting his own records.

7. It is found, however, that neither Mr. Ebbeling nor the FOI Act representative nor any other person at the respondents' offices took any further action on the complainant's request until shortly before the hearing on this matter.

8. It is found that Mr. Ebbeling became aware of the lack of action on the complainant's request shortly before the hearing on his matter, and took immediate action to cause a search of his records and files.

9. It is found that the respondents provided all the records responsive to the complainant's request on or about June 27, 2016.

10. 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.

11. 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.

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

13. 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.

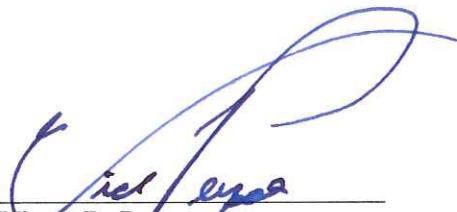
14. It is found that the respondents provided all the records that are responsive to the complainant's request.

15. It is also found, however, that the records were not provided promptly within the meaning of §1-212(a), G.S.

16. It is therefore concluded that the respondents violated the promptness provision of §1-212(a), G.S.

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

1. Henceforth the respondents shall strictly comply with promptness provision of §§1-212(a), G.S



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Victor R. Perpetua  
As Hearing Officer