



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.state.ct.us/foi/ • email: foi@po.state.ct.us

Maurice Kirk Carr, Jr.,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0548

First Selectman, Town of Clinton; and
Town of Clinton,
Respondent(s)

March 29, 2017

Transmittal of Proposed Final Decision

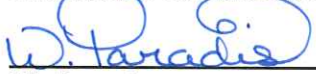
In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

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, April 26, 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 April 13, 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 April 13, 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 April 13, 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: Maurice Kirk Carr, Jr.
Attorney John S. Bennet

FIC# 2016-0548/Trans/wrbp/VRP//KKR/2017-03-29

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Maurice Kirk Carr, Jr.,

Complainant

against

Docket #FIC 2016-0548

First Selectman, Town of Clinton; and
Town of Clinton,

Respondents

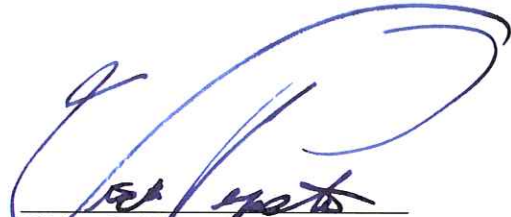
March 3, 2017

The above-captioned matter was heard as a contested case on March 2, 2017 at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony and argument on the complaint.

In the course of the hearing, the parties agreed that the gravamen of Mr. Carr's complaint was that he had not received, from the First Selectman, records of Clinton Housing, Inc., which the complainant alleged (and the respondents denied) was the functional equivalent of a public agency pursuant to *Board of Trustees of Woodstock Academy, et al. v. Freedom of Information Commission, et al.*, 181 Conn. 544 (1980). The First Selectman made an offer of proof that he did not maintain the requested records. The parties agreed that the complainant had not directed his request to Clinton Housing, Inc.; that Clinton Housing, Inc. had not denied his request for records; and that Clinton Housing, Inc. had not received notice of the complaint, and was not a party to this matter. The complainant withdrew his complaint on the record, and indicated his intention to make a new request to Clinton Housing, Inc. and file a new complaint with the Commission if warranted.

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.
2. The complainant was never made aware that he had misdirected his original request for records, and came to the hearing thoroughly prepared to prosecute his complaint, and submitted an extensive brief prior to the hearing. The Commission advises him that, if he files a new complaint, he may request that it be expedited, and that the Commission will take into consideration the time taken to prosecute and process the above-captioned complaint when it decides whether or not to grant his request to expedite his new complaint.

A handwritten signature in blue ink, consisting of a large, stylized loop at the top and several smaller, less distinct strokes below it.

Victor R. Perpetua
As Hearing Officer

FIC2016-0548/HOR/VRP/03022017