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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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Carl Thomas,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0531

Public Facilities Department, City of Bridgeport; Information
Technology Services, City of Bridgeport; Office of the Mayor,
City of Bridgeport; Parks and Recreation Department, City of
Bridgeport; and City of Bridgeport,
Respondent(s)

April 11, 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, May 10, 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 28, 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 28, 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 28, 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: Attorney Laura Mooney
Office of the Corporation Counsel, City of Bridgeport

FIC# 2016-0531/Trans/wrbp/VDH//KKR/2017-04-11

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Carl Thomas,

Complainant

against

Docket #FIC 2016-0531

Public Facilities Department, City of
Bridgeport; Information Technology
Services, City of Bridgeport; Office
of the Mayor, City of Bridgeport;
Parks and Recreation Department,
City of Bridgeport; and City of
Bridgeport,

Respondents

April 7, 2017

The above-captioned matter was heard as a contested case on October 18, 2016, at which time the complainant appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint, but the respondents did not appear.

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 four separate letters each dated June 13, 2016, the complainant requested that the respondents provide him with copies of the following records:

Any and all communications, all department calendars—including office of the Mayor sign-up sheets [and] notices, including but not limited to emails and Twitter feeds, regarding a softball game between the City of Bridgeport Parks and Recreation Department and the Public Facilities Department which occurred on September 18, 2015 at Beardsley Park, Bridgeport. This request seeks all non-privileged information, including interdepartmental and inter-office mail concerning any aspect of the subject softball game, generated prior to and after the subject game.

3. By letter dated and filed July 22, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with copies of the records described in paragraph 2, above.

4. Section 1-206, G.S., provides, in relevant part, as follows:

(a) Any denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request. . . . Failure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed to be a denial.

(b)(1) Any person denied the right to inspect or copy records . . . may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed not later than thirty days after such denial. . . . For purposes of this subsection, such notice of appeal shall be deemed to be filed on the date it is received by said commission or on the date it is postmarked, if received more than thirty days after the date of the denial from which such appeal is taken.

5. Counsel for the complainant was the only person who appeared at the contested case hearing.

6. Based on the records submitted into evidence, it is found that each of the four requests for records was received by the respondents on June 15, 2016. It is therefore found that, in accordance with the provisions of §1-206(a), G.S., the complainant could have filed his appeal with the Commission as early as June 22, 2016. However, it is further found that, in accordance with the provisions of §1-206(b)(1), G.S., the complainant was required to file his appeal with the Commission no later than July 21, 2016.

7. It is found that the complaint’s appeal was both received by the Commission on July 22, 2016 and postmarked July 22, 2016.

8. Finally, counsel represented that, between the making of the requests on June 13, 2016 and the filing of the appeal on July 22, 2016, there were no communications between the parties.

9. Because it is found that the complainant did not file his appeal in this case until July 22, 2016, it is concluded that the Commission does not have subject matter jurisdiction over the underlying matter.

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.



Valicia Dee Harmon
as Hearing Officer