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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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Claire Howard,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0891

Chief Executive Officer, Bristol Housing Authority; and
Bristol Housing Authority,
Respondent(s)

June 2, 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, June 28, 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 June 16, 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 June 16, 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 June 16, 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: Claire Howard
Attorney Salvatore V. Vitrano

FIC# 2016-0891/Trans/wrbp/LFS/VRP2017-06-02

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Claire Howard,

Complainant

against

Docket #FIC 2016-0891

Chief Executive Officer, Bristol Housing
Authority; and Bristol Housing
Authority,

Respondents

April 10, 2017

The above-captioned matter was heard as a contested case on March 7, 2017, at which time the complainant appeared 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 on August 4, 2016, the complainant requested copies of the following records:

[a] All internal and external communications, which includes, but is not limited to, electronic communications prepared, owned, used, received or retained on Bristol Housing Authority computers, personal computers and all personal phones used to conduct Bristol Housing Authority business, to and/or from Mitzy Rowe and Gary Schaffrick from November 11, 2015 to the present that refer to Deidre Methe.

[b] All internal and external communications, which includes, but is not limited to, electronic communications prepared, owned, used, received or retained on Bristol Housing Authority computers, personal computers and all personal phones used to conduct Bristol Housing Authority business, to and/or from Mitzy Rowe and Gary Schaffrick from January 1, 2011 to the present that refer to procurement of vendor contracts for the Bristol Housing Authority, Special Events Coordinator Position at the Bristol Housing Authority, and work performed for Bristol

Neighborhood Development Corporation by Bristol Housing Authority staff members.

[c] Bristol Housing Authority annual budgets from 2010 through the present, including but not limited to drafts of annual budgets and forecasted budgets.

[d] Bristol Housing Authority audit reports from 2010 through the present.

[e] All contractual agreements the Bristol Housing Authority entered into with vendors between 2010 and the present.

[f] All contractual agreements the Bristol Housing Authority entered into with members of the Board of Commissioners, between 2010 and the present.

[g] All communications, including but not limited to, electronic communications to the United States Department of Housing and Urban Development between 2010 and the present, concerning or referencing conflicts of interest.

[h] All notes, recordings and minutes of the Bristol Housing Authority Board of Commissioners meetings, including but not limited to standing and ad-hoc committees, between 2010 and the present.

[i] All documents that refer or relate to audits, investigations, inquiries, or studies, by Bristol Housing Authority, referring or relating to Bristol Housing Authority's compliance or non-compliance with any state or federal wage and hour laws.

[j] All documents that refer or relate to any complaints made by Bristol Housing Authority employees to human resources regarding Bristol Housing Authority's pay practices, including but not limited to alleged violations of federal or state wage and hour laws.

3. It is found that on October 25, 2016, the complainant emailed the respondents to ask about the status of her request. It is found that counsel for the respondents replied that "they have been working very hard to amass the documents. I think they are very close."

4. It is found that on November 30, 2016, the complainant, having received no records from the respondents, again requested the records described in paragraph 2, above.

5. By letter filed December 28, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide copies of the records she requested.

6. 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, ... 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:

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

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

9. It is found that the records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

10. It is found that on January 20, 2017, the respondents provided the complainant with a flash drive that contained some of the records responsive to her request. It is found that the respondents informed the complainant that they were still in the process of completing their search for responsive emails or other electronically stored records with respect to parts [a], [b], and [g] of the request.

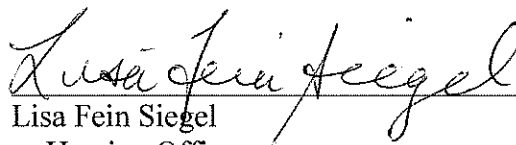
11. It is found that on February 13, 2017, the complainant reminded the respondents that the emails and other electronically stored records described in paragraph 10, above, had not yet been provided.

12. At the hearing in this matter, the complainant testified that she also did not receive the draft copies of budgets she requested, described in paragraph 2[c], above.

13. It is found that the respondents failed to provide the records described in paragraphs 10 and 12, above. It is concluded that the respondents violated §§1-210(a) and 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. Forthwith, the respondents shall conduct a diligent search for the outstanding records described in paragraphs 10 and 12 of the findings of fact, above. The respondents shall promptly provide any such records to the complainant. If the respondents discover that they do not maintain responsive records, they shall inform the complainant of that by sworn affidavit, including in the affidavit the details of their search.
2. Henceforth, the respondents shall comply with §§1-210(a) and 1-212(a), G.S.


Lisa Fein Siegel
as Hearing Officer