



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Tyrone Rosa
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0629

Chairperson, Connecticut Board of Pardons and Paroles;
and Connecticut Board of Pardons and Paroles
Respondent(s)

July 7, 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, July 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 July 17, 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 July 17, 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 July 17, 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

Wendy R.B. Paradis
Acting Clerk of the Commission

Notice to: Tyrone Rosa
Attorney Leland J. Moore

FIC# 2016-0629/IIRA/PSP/VDH/WRBP/2017-07-7

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Tyrone Rosa,

Complainant

Docket # FIC 2016-0629

against

Chairperson, Connecticut Board
of Pardons and Paroles; and
Connecticut Board of Pardons
and Paroles,

Respondents

June 30, 2017

The above-captioned matter was heard as a contested case on June 20, 2017, at which time the complainant and respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOIC, et al., Superior Court, J.D., of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

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 letter dated July 27, 2016, the complainant made a written request to the respondents for:

A copy of my parole revocation file (ALL documents) related to my parole revocation hearing held on January 9, 2015 at Cybulski C.I.

3. By letter of complaint, dated August 25, 2016, and received on September 1, 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. It is found that subsequent to the filing of the complaint in this matter, by letter dated November 14, 2016, the complainant made a written request to the respondents for the same records described in paragraph 2, above, among other information. Specifically, the complainant requested the following:

A copy of my parole revocation file (all documents) related to my parole revocation hearing held on January 9, 2015 at Cybulski C.I. As well, the reason and basis for me being taken into custody and parole violated 12/31/2014. Also, the reason why parole was revoked on January 9, 2015 at said revocation hearing.

5. It is found that by letter dated December 5, 2016, the respondents acknowledged the complainant's November 14th request, described in paragraph 4, above, and informed him that such request was under review.

6. Section 1-200(5), G.S., defines "public records or files" as:

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.

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

8. 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."

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 the complainant delivered his July 27th request described in paragraph 2, above, by depositing it in a mailbox in his correctional facility.

11. It is found that the respondents first learned of the complainant's July 27th request when they received notice from the Commission on or about February 16, 2017. It is found that

such notice informed the respondents of the complainant's appeal and provided them with a copy of his complaint to the Commission and a copy of his July 27th request.

12. It is found that the complainant took the appropriate steps to deliver his July 27th request, by depositing it in the equivalent of a mailbox, and that the respondents are therefore deemed to have received it.

13. It is found that, prior to the hearing in this matter, the respondents provided the complainant with all records responsive to the complainant's July 27th and November 14th requests.

14. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., 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.


Paula S. Pearlman
as Hearing Officer