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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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Raymond Reynolds
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0888

Chief, Police Department, City of Shelton; Police
Department, City of Shelton; and City of Shelton
Respondent(s)

September 21, 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 **2:00 p.m. on Wednesday, October 11, 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 September 29, 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 September 29, 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 September 29, 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: Raymond Reynolds
Attorney Ramon S. Sous

FIC# 2016-0888/ITRA/VRP//TAH/WRBP/2017-09-21

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Raymond Reynolds,

Complainant

against

Docket #FIC 2016-0888

Chief, Police Department, City of
Shelton; Police Department, City of
Shelton; and City of Shelton,

Respondents

September 20, 2017

The above-captioned matter was heard as a contested case on May 5 and September 19, 2017, at which times the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. This case was consolidated for hearing with Docket #FIC 2016-0885, Douglas Steeves v. Chief, Police Department, City of Shelton et al.

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 received December 28, 2016 and postmarked December 27, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his November 4, 2016 request for certain public records.
3. Section 1-206(b)(1), G.S., provides in relevant part:

Any person denied the right to inspect or copy records under section 1-210 ... 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. (Emphasis added).

4. It is found that the complainant's request was denied, by depositing that denial in the U.S. mail, on November 8, 2016.

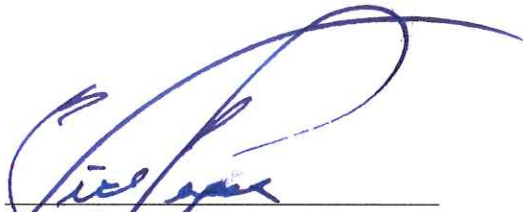
5. It is found that the complainant's appeal was filed December 27, 2016.

6. It is therefore found that the complainant filed his complaint later than thirty days after the respondents' November 21, 2016 denial of his November 17, 2016 request.

7. It is concluded that the Commission lacks subject matter over the complainant pursuant to §1-210(b)(1), G.S.

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.



Victor R. Perpetua
as Hearing Officer