

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

W. Scott Van Sicklin,

Complainant

against

Docket #FIC 2018-0670

Town Manager, Town of Glastonbury; and
Town of Glastonbury,

Respondents

September 11, 2019

The above-captioned matter was heard as a contested case on February 26, 2019, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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 filed November 21, 2018, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request for certain public records.
3. It is found that the complainant made an October 23, 2018 request to the respondents for records relating to the town’s insurer’s denial of his claim for damages resulting from a tree falling on his car, specifically:
 - a. Any and all written documents, emails, faxes, text messages, notes, reports, etc. that were sent to the insurer regarding the claim;
 - b. Any and all written documents, emails, faxes, text messages, notes, reports etc. that were received from the insurer regarding the claim;
 - c. All permits for tree removal on Main Street issued from the Hebron Avenue intersection down to the intersection with Route 17 (including those issued to utilities, town contractors, private entities or parties, etc.);
 - d. The town’s tree trimming schedule along this same corridor (for town trees in the right of way, like the subject tree); and

- e. Any and all reports generated by an arborist or arborist-like professional and issued to the Town of Glastonbury regarding trees along the Main Street corridor.

4. It is found that the respondents, by letter dated December 28, 2018, apologized for their delay in responding, and replied that there was no formal permitting process in regards to any tree removal, or a formal tree trimming schedule; that a report by an arborist or like professional was not commissioned regarding the trees along the Main Street corridor; that there was no record of any prior complaints about the condition of the tree in question at 1808 Main Street; and that there were 24 pages on file with the Town responsive to his request.

5. It is found that the respondents on January 10, 2019 provided the complainant with copies of all records responsive to the portions of his request described in paragraphs 3.a and 3.b, above.

6. It is found that the respondents maintain no records responsive to the portions of the complainant's request described in paragraphs 3.c., 3.d, and 3.e, above.

7. 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, 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.

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

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

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

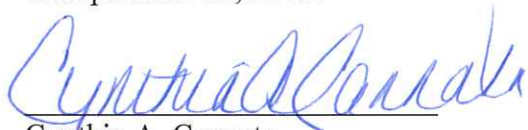
11. At the hearing, the complainant's position was that the town was not giving him records because it hadn't created records, and that he basically got nothing other than an accident report from the respondents.

12. It is concluded that the respondents provided all responsive public records they maintain, and that they therefore did not violate the FOI Act as alleged.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of September 11, 2019.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

W. SCOTT VAN SICKLIN, 38 Kimberly Road, South Glastonbury, CT 06073

TOWN MANAGER, TOWN OF GLASTONBURY; AND TOWN OF GLASTONBURY, 2155 Main Street, Glastonbury, CT 06033



Cynthia A. Cannata
Acting Clerk of the Commission