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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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Jason Casiano,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2011-713

Reuben T. Bradford, Commissioner, State of Connecticut,
Department of Emergency Services and Public Protection; Seth
G. Mancini, Sergeant, State of Connecticut, Department of
Emergency Services and Public Protection; and State of
Connecticut, Department of Emergency Services and Public
Protection,

Respondent(s)

September 28, 2012

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, October 24, 2012**. 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 October 12, 2012**. 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, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE October 12, 2012**. **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 **fourteen (14) copies** be filed **ON OR BEFORE October 12, 2012**, 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: Jason Casiano
Terrence M. O'Neill, AAG
cc: Kristine Barone

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Jason Casiano,

Complainant

against

Docket #FIC 2011-713

Reuben T. Bradford, Commissioner,
State of Connecticut, Department of
Emergency Services and Public Protection;
Seth G. Mancini, Sergeant, State of
Connecticut, Department of Emergency
Services and Public Protection; and
State of Connecticut, Department of
Emergency Services and Public Protection,

Respondents

September 18, 2012

The above-captioned matter was heard as a contested case on July 27, 2012, at which time the complainant and the 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. By letter of complaint filed December 30, 2011, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his December 15, 2011 request for public records, and requesting the imposition of a civil penalty.
3. It is found that complainant made an August 15, 2011 request to the respondents for certain photographs and reports maintained with such photographs.

4. It is found that the respondents, by letter dated August 19, 2011, informed the complainant that the records were available, and that he should remit a check in the amount of \$11.25.

5. It is found that the complainant did not remit the payment, claim indigence, or otherwise respond to the respondent's August 19, 2011 letter, before filing the complaint in this matter.

6. It is found that what the complainant claims is a December 15, 2011 request appears to be a photocopy of his August 15, 2011 request, with the December date handwritten in place of the handwritten August date.

7. It is further found that the respondents' mail log shows no evidence of a December 15, 2011 request being received by them.

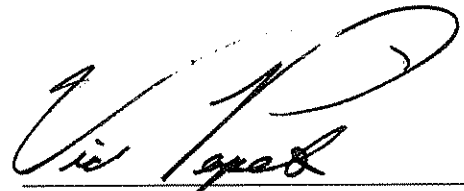
8. It is further found that the complainant's explanation of the circumstances surrounding his failure to reply to the respondents' August 19, 2011 letter, and his supposed December 15, 2011 request, is not credible.

9. It is therefore found that the complainant did not make a December 15, 2011 request to the respondents.

10. It is concluded that the respondents 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.



Victor R. Perpetua
As Hearing Officer