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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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Edward Peruta and the American News and Informational Services,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2012-032

Ruben Bradford, Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; Thomas Hatfield, Legal Affairs, State of Connecticut, Department of Emergency Services and Public; and State of Connecticut, Department of Emergency Services and Public Protection,  
Respondent(s)

October 11, 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, November 14, 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 November 2, 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 November 2, 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 November 2, 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: Edward Peruta  
Stephen R. Sarnoski, AAG

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Edward Peruta and American News and  
Information Services, Inc.,

Complainants

against

Docket #FIC 2012-032

Rueben Bradford, Commissioner, State of  
Connecticut, Department of Emergency  
Services and Public Protection; Thomas  
Hatfield, Legal Affairs, State of  
Connecticut, Department of Emergency  
Services and Public Protection; and State  
of Connecticut, Department of Emergency  
Services and Public Protection,

Respondents

October 10, 2012

The above-captioned matter was heard as a contested case on June 21, 2012, at which time the complainants 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. It is found that on January 4, 2012, the complainants requested copies of the pistol permits of applicants whose fingerprint checks were pending.
3. It is found that on January 18, 2012, the respondents provided the first of two sets of records to the complainants. It is found that the respondents provided the second set on February 16, 2012.
4. It is found that the respondents redacted the name of each applicant, and claimed that §29-28(d), G.S., protected the information from disclosure.
5. By e-mail filed January 20, 2012, the complainants appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the names of the subject applicants. The complainants requested the imposition of a civil penalty.

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...

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 concluded 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. Section 29-28(d), G.S., provides in relevant part:

Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued a permit to sell at retail pistols and revolvers pursuant to subsection (a) of this section or a state or a temporary state permit to carry a pistol or revolver pursuant to subsection (b) of this section, or a local permit to carry pistols and revolvers issued by local authorities prior to October 1, 2001, shall be confidential and shall not be disclosed . . . .

11. The Commission has previously concluded, in Docket #FIC 2007-268; MariAn Gail Brown and the Connecticut Post v. Chief, Police Department, City of Bridgeport; (March 26, 2008), that §29-28(d), G.S., exempts from disclosure the names of applicants for pistol permits:

*It is concluded that §29-28(d), G.S., exempts from mandatory disclosure the names and addresses of: persons whose applications are pending; persons whose applications have been approved; persons whose applications were initially denied but later approved on appeal; and persons whose applications were denied but who have pending appeals of such denials. It is further concluded that*

the respondent did not violate the FOI Act by withholding such records from the complainants. (Emphasis added.)

12. In MariAn Gail Brown and the Connecticut Post, supra, and in Docket #1998-327; Sherman v. Board of Firearms Permit Examiners (August 25, 1999), the Commission concluded that disclosure of the names of applicants for pistol permits would necessarily reveal the identity of people who would ultimately be issued a permit.

13. It is concluded that the respondents did not violate the FOI Act by redacting the names of applicants for pistol permits from the records they provided to the complainants.

14. The Commission notes, however, that §29-29(d), G.S., does not exempt from disclosure the names of people whose applications were denied and who have not appealed such denials.

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.

*Norma E. Riess.*

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Norma E. Riess  
as Hearing Officer