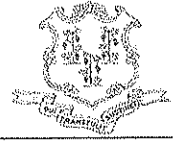




FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
Toll free (CT only): (866)374-3617 Tel: (860)566-5682 Fax: (860)566-6474 • www.state.ct.us/foi/ • email: foi@po.state.ct.us

Anthony Lazzari,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2011-421

Legal Affairs Unit, State of Connecticut,
Department of Emergency Services and Public
Protection; and State of Connecticut,
Department of Emergency Services and Public
Protection,

Respondent(s)

May 1, 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, May 23, 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 May 11, 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 May 11, 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 May 11, 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: Anthony Lazzari
Stephen R. Sarnoski, AAG

5/1/12/FIC# 2011-421/Trans/wrbp/VRP//TAH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Anthony Lazzari,

Complainant

against

Docket #FIC 2011-421

Legal Affairs Unit, State of Connecticut,
Department of Emergency Services and
Public Protection; and State of Connecticut,
Department of Emergency Services and
Public Protection,

Respondents

April 27, 2012

The above-captioned matter was heard as a contested case on December 20, 2011, at which times 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 August 15, 2011, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for copies of certain police records.
3. It is found that, by letter dated July 27, 2011, the complainant requested certain records relating to a July 19, 2011 incident. The complainant requested a fee waiver on the grounds of his indigence, and attached a Superior Court application for waiver of fees.
4. It is found that the complainant was aware that the respondents used a different fee waiver application, and that he had received that application connection with a different request. However, the complainant did not submit the respondent's application to the respondent, but only the Superior Court's.
5. It is found that the two fee waiver applications, the respondents' and the Superior Court's, request similar information concerning assets, income and liabilities.

However, the respondents' application additionally requires supporting documentation, as well as an affidavit swearing to the truth of the information submitted.

6. It is found that, by letter dated July 29, 2011, the respondents acknowledged the complainant's July 27 request, and indicated that his request would be processed upon receipt of the \$16.00 fee authorized by §29-10b, G.S., which provides:

The Commissioner of Public Safety shall charge the following fees for the item or service indicated:

(1) Each search of the record files made pursuant to a request for a copy of an accident or investigative report which results in no document being produced, six dollars, and on and after July 1, 1993, sixteen dollars.

(2) Each copy of an accident or investigative report, six dollars, and on and after July 1, 1993, sixteen dollars.

7. It is found that the complainant neither remitted the \$16.00 fee, nor submitted the respondents' fee waiver application.

8. The complainant maintains that he assumed that he did not need to submit the respondents' fee waiver application because the respondents did not send one to him on this occasion, nor indicate that one was required.

9. It is found, however, that the complainant was aware of the respondents' fee waiver process, and deliberately disregarded it. In this regard, the Commission notes that the complainant exhibited the same intransigence in complying with the City of Waterbury's fee waiver process in docket #FIC 2010-519, Albright and Lazarri v. Waterbury Police Department.

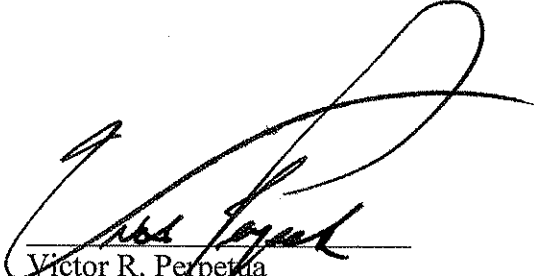
10. It is concluded that the respondents did not violate the FOI Act as alleged.

11. It is further found that the complainant's behavior in bringing this case to a hearing rather than submit the appropriate documentation to the respondents' was frivolous and unreasonable.

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.
2. The complainant is cautioned that the Commission will take into consideration both this case and docket #FIC 2010-519, above, should the complainant file future

complaints based upon his own failure to submit the proper documentation of an indigence claim, and that appropriate sanctions may apply.

A handwritten signature in black ink, appearing to read "Victor R. Perpetua", is written over a horizontal line. The signature is stylized and cursive.

Victor R. Perpetua
As Hearing Officer

FIC2011-421/HOR/VRP/12202011