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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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James Torlai,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2012-242

Commissioner, State of Connecticut,
Department of Emergency Services and
Public Protection; and State of Connecticut,
Department of Emergency Services and
Public Protection,

Respondent(s)

February 26, 2013

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 Thursday, March 28, 2013**. 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 March 15, 2013**. 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 March 15, 2013**. **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 March 15, 2013**, 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: James Torlai
Terence M. O'Neill, AAG

2013-02-26/FIC# 2012-242/Trans/wrbp/VRP/TAH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

James Torlai,

Complainant

against

Docket #FIC 2012-242

Commissioner, State of Connecticut,
Department of Emergency Services and
Public Protection, Division of State Police;
and State of Connecticut,
Department of Emergency Services and
Public Protection, Division of State Police,

Respondents

February 25, 2013

The above-captioned matter was heard as a contested case on October 9, 2012 at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. This matter was consolidated for hearing with Docket #FIC 2012-205, James Torlai v. Commissioner, State of Connecticut, Department of Emergency Services and Public, Division of State Police, 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 filed June 5, 2012, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for public records that had been ordered disclosed by the Commission on February 21, 2012, Docket #FIC 2011-102, James Torlai v. Commissioner, State of Connecticut Department of Public Safety et al.
3. The Commission takes administrative notice of its records and decision in Docket #FIC 2011-102, James Torlai v. Commissioner, State of Connecticut, Department of Public Safety et al.
4. It is found that the order in Docket #FIC 2011-102 directed the respondents to forthwith provide certain records of the arrest of a third party, including the party's

address, the date, time and place of his arrest, a list of all the charges, and a copy of the blood alcohol content test results and/or drug test results of any such tests were formed.

5. It is found that the respondents did not provide the records until the day of the hearing in this matter.

6. It is found that the respondents have been operating with reduced staff assigned to FOI Act compliance since February 2012.

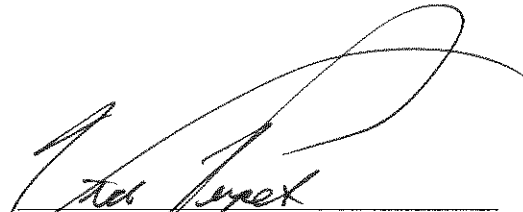
7. It is also found, however, that the quantity of records ordered to be provided was small, and that the records should already have been identified and compiled in connection with their preparation for and defense of Docket #FIC 2011-102, which was heard on June 30, 2011 and decided on February 21, 2012.

8. It is concluded that the respondents did not comply with the order of the Commission in Docket #FIC 2011-102.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Henceforth the respondents shall strictly comply with the orders of the Commission.

2. The respondents are advised that it should not be necessary for a citizen to file an FOI complaint in order to obtain compliance with the Commission's orders.


Victor R. Perpetua
as Hearing Officer