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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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Ethan Book,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2013-158

Parking Violations Bureau, City of Bridgeport;
and City of Bridgeport,
Respondent(s)

September 10, 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 Wednesday, October 9, 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 September 27, 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, an **original and fourteen (14) copies** must be filed **ON OR BEFORE September 27, 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 September 27, 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: Ethan Book
Gregory M. Conte, Esq.

9/10/13/FIC# 2013-158/Trans/wrbp/VRP//PSP

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Ethan Book,

Complainant

against

Docket #FIC 2013-158

Parking Violations Bureau,
City of Bridgeport; and
City of Bridgeport,

Respondents

August 20, 2013

The above-captioned matter was heard as a contested case on August 19, 2013, 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 March 15, 2013, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to respond to his inquiries.
3. It is found that, by letter dated February 28, 2013, the complainant requested, with respect to his parking tickets:
 1. Access to promulgated portions of the City Charter or ordinances or other type of established guidelines including applicable state statutes which provide for a City of Bridgeport Parking Violations Bureau, which provide for such Bureau to hire, to issue parking tickets (tickets which may be issued either by its own officers or by police officers), to contract for an administrative hearing officer and to conduct hearings;
 2. Access to that public information which describes the purpose of the Parking Violations Bureau;
 3. Access to the portion of the City Charter, ordinances, other type of established guidelines including applicable state

- statutes which describe the role, position and scope of authority for an administrative hearing officer;
4. Access to the guidelines for and the selection and decision process for the official action of contracting with Attorney Salvatore DePiano to act as the administrative hearing officer in the subject hearing on February 27th;
 5. A copy of the current contract with provides for Attorney Salvatore DePiano to act as the administrative hearing officer for the subject hearing of February 27th;
 6. A copy of procedures and guidelines for such an administrative hearing;
 7. Access to a recent financial report for the Parking Violations Bureau;
 8. The name and CAD number of the police officer who issued the above-referenced citation on March 28, 2012;
 9. The names of the Bureau officers who issued the respective citations issued in November 2012 to the vehicle with license CT-747DW;
 10. The authority for the decision to hire Officer Peter Keogh in his present position with the Bureau including access to the selection and reviews process for the decision;
 11. A current position description for that held by Officer Peter Keogh;
 12. Legal references for the statements made in the administrative hearing of February 27th by Officer Keogh that (1) imposed fines must be paid on the same day that a ruling is issued, (2) that all decisions of the Parking Violations Bureau are final, and (3) there is no available means for appeal of decision of the Parking Violations Bureau;
 13. Legal authority for officials of the Parking Violations Bureau to order vehicles to be "booted"; and
 14. Access to established guidelines and procedures for such action to "boot" vehicles.

4. It is found that the respondents provided responsive records to the complainant first on April 16, 2013, and additional records subsequently, including the weeks immediately preceding the hearing on this matter.

5. 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.

6. Section 1-210(a), G.S., provides in relevant part that:

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. (Emphasis supplied).

7. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

8. It is found that, to the extent they exist, the requested records are public records within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

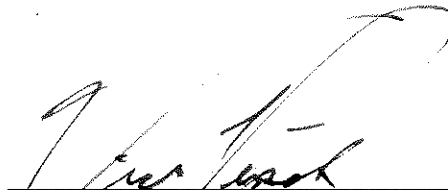
9. It is found that much of the information requested by the complainant required the respondents to conduct research.

10. It is found that the respondents nonetheless willingly conducted such research, and provided all records in their possession that are responsive to the complainant’s request.

11. 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