



# 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

Steven DeBow,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2013-336

Acting Chief Information Officer,  
Metro Hartford Information Services; and  
Metro Hartford Information Services,  
Respondent(s)

February 25, 2014

## 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, March 12, 2014**. 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 4, 2014**. 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 March 4, 2014**. **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 4, 2014**, 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: Steven DeBow  
Cynthia Lauture, Esq.

2/25/14/FIC# 2013-336/Trans/wrbp/VDH//LFS

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Steven DeBow,

Complainant

against

Docket #FIC 2013-336

Acting Chief Information Officer,  
Metro Hartford Information Services,  
and Metro Hartford Information Services

Respondents

February 25, 2014

The above-captioned matter was heard as a contested case on February 6, 2014, at which time the complainant and the respondents appeared 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, by email dated May 28, 2013, the complainant requested copies, on CD-ROM or flash drive, of the following records:
  - a. All email communication generated from September 4, 2010 to the present between Steven Adamowski, Jill Cutler-Hodgman and Alexandra Lombardi (formerly Deebs) containing the subjects: Diane Georgantas, Oscar Padua and Sexual Relationship that does not include student information;
  - b. All email communication generated from September 4, 2010 to the present belonging to Steven Adamowski, Jill Cutler-Hodgman and Alexandra Lombardi (formerly Deebs) wherein both Diane Georgantas and Oscar Padua are mentioned at all, or referred to in a personal, work or non-work relationship;
  - c. All voicemail communication and text messages from Steven Adamowski, Jill Culter-Hodgman and Alexandra Lombardi (formerly Deebs) from September 4, 2010 to the present in which Dian Georgantas and Oscar Padua are mentioned that does not include student information; and

- d. All email communication, letters or memos generated from Steven Adamowski, Jill Cutler-Hodgman and Alexandra Lombardi (formerly Deebs) from September 4, 2010 to the present that mentions Diane Georgantas and Oscar Padua.

3. It is found that, by email dated March 28, 2013, the respondents acknowledged the complainant's request, and indicated that the records responsive to the instant request had already been compiled and forwarded to the corporation counsel's office in connection with a previous request that the complainant had made. See Stephen DeBow v. Acting Chief Information Officer, Metro Hartford Information Services; and Metro Hartford Information Services, Docket #FIC 2013-207 (final decision pending).

4. By email dated May 31, 2013 and filed June 3, 2013, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for access to the records described in paragraph 2, above.

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.

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 the records responsive to the request, described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. It is found that the request for electronic records in this case is substantially similar to a previous request for electronic records between the complainant and the same respondents.

10. Stephen Shipman, the Director of Network Operations, appeared at the contested case hearing to testify for the respondents.

11. It is found that the respondents do not maintain records responsive to paragraph 2.c, above.

12. It is further found that, based on the electronic records search crafted by Mr. Shipman, the respondents conducted a broad search for all electronic records pertaining in any way to Diane Georgantas and Oscar Padua.

13. Specifically, it is found that Mr. Shipman ran an electronic records search on all emails for the search terms "Padua" and "Georgantas." It is further found that, because the complainant was interested in seeking electronic records pertaining to a sexual relationship, Mr. Shipman also searched all electronic records with multiple search terms for the phrase "sexual relationship" or "an affair," including terms that are considered to be vulgar.

14. It is found that the instant request for electronic records described paragraphs 2.a and 2.b, above, is a subset of the complainant's request for electronic records in Docket #FIC 2013-007. It is further found that results of Mr. Shipman's electronic records searches, including whether the searches have been completed and whether there are responsive records which should have been disclosed to the complainant, is the topic of a decision that will issue in Docket #FIC 2013-007.


15. In addition, with regard to the request for electronic records described in paragraph 2.d, above, it is found that Mr. Shipman's staff conducted a full scale text search on three file servers which contain documents for the entire Board of Education. It is found that certain documents were retrieved as a result of the search. It is further found that these records were turned over to the corporation counsel's office for review. It is further found that these text files were reviewed, but yielded no responsive records.

16. It is concluded that the respondents did not violate the FOI Act with regard to the requests in paragraphs 2.c, and 2.d, above.

17. It is further concluded that, based on the facts and circumstances of this case, it is appropriate to defer to the findings of the hearing officer in Docket #FIC 2013-207 with regard to the requests in paragraphs 2.a, and 2.b, above.

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.

  
Valicia Dee Harmon  
as Hearing Officer