



# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Daniel Pekera,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2013-646

President, Long Hill Fire Department, Town of  
Trumbull; Long Hill Fire Department, Town of  
Trumbull; and Town of Trumbull,  
Respondent(s)

July 16, 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, August 13, 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 August 1, 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 August 1, 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 August 1, 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

Wendy Paradis  
Acting Clerk of the Commission

Notice to: Daniel Pekera  
Dennis J. Kokenos, Esq.

2014-07-16/FIC# 2013-646/Trans/wrbp/LFS//KKR

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Daniel Pekera,

Complainant

against

Docket #FIC 2013-646

Chairperson, Long Hill Fire Commission,  
Long Hill Fire District; and Long Hill Fire  
Commission, Long Hill Fire District,

Respondents

July 16, 2014

The above-captioned matter was heard as a contested case on July 8, 2014, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. Upon agreement of the parties, the caption of this matter has been amended to dismiss the Long Hill Fire Department and the Town of Trumbull and to add the proper custodians of the records at issue, the Long Hill Fire District Commission and the Long Hill Fire District, which is a taxing district that receives no funding from the Town of Trumbull. The complaint is dismissed against both the Long Hill Fire Department and the Town of Trumbull (see Order, below).

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 August 21, 2013, the complainant requested copies of records pertaining to the building of a new fire station and the proposed bonding of \$7 million.
3. It is found that on September 9, 2013, the respondents provided the complainant with approximately 180 pages in response to his request.
4. It is found that on October 11, 2013, the complainant made another request for additional records pertaining to the building of the new fire station and the proposed bonding.
5. It is found that on October 24, 2013, the respondents provided the complaint with additional records in response to his request.
6. By letter filed October 15, 2013, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide them with all of the records he requested.

7. 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.

8. 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, ... or (3) receive a copy of such records in accordance with section 1-212.

9. 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."

10. 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.

11. It is found that the complainant primarily seeks an explanation of the respondents' authority to bond \$7 million, acquire certain properties, and build a new firehouse. It is found that in his first request, for instance, the complainant asked the respondent to "explain methodology/procedure/appraisal," and to "explain how and when [the respondents] plan to rectify" a certain possible scenario.

12. It is found that the respondents provided records to the complainant, and the parties frequently communicated about what the complainant was really seeking. It is found that the respondents advised the complainant that the FOI Act does not require a public agency to perform research or to create documents or to answer questions, and the respondents suggested that the complainant attend one or more of their meetings. It is found that the respondents offered to receive the complainant's questions in advance of their meetings so that they would have the opportunity to consider his questions in order to have a more satisfying discussion at the meeting.

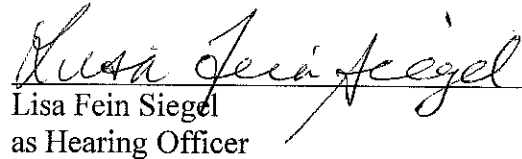
13. It is found that to comply with the complainant's request for specific types of records, such as e-mails, invoices, checks, budgets, and minutes, the respondents' office manager searched paper files located in the respondents' safe, in their office filing cabinet, and in storage. It is found that the office manager also searched the office computer for electronic records.

14. It is found that the respondents provided the complainant with all the records they maintain in response to the complainant's requests.

15. It is found that the respondents' search was diligent and that the records were provided promptly. It is also found that although the complainant accused the respondents of operating without transparency, the respondents' correspondence to the complainant and their efforts to both comply with his requests and to provide him with the information he sought indicate the contrary.

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 against all parties.

  
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Lisa Fein Siegel  
as Hearing Officer