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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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Alireza Jamalipour,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2013-685

Commissioner, State of Connecticut,  
Department of Transportation; and State of  
Connecticut, Department of Transportation,  
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: Alireza Jamalipour  
Alice M. Sexton, Esq.

2014-07-16/FIC# 2013-685/Trans/wrbp/VRP//LFS

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by  
Alireza Jamalipour,

Report of Hearing Officer

Complainant

against

Docket #FIC 2013-685

Commissioner, State of Connecticut,  
Department of Transportation; and  
State of Connecticut,  
Department of Transportation,

Respondents

July 16, 2014

The above-captioned matter was heard as a contested case on May 12, 2014, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The respondents submitted unredacted copies of the records at issue for an in camera inspection.

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 October 30, 2013, the complainant appealed to the Commission, alleging that the respondents failed to comply with his September 30, 2013 request for certain records regarding a promotional opportunity in his department.
3. It is found that the complainant made a September 30, 2013 request by email for all documentation involved in the filling of two supervising engineer positions.
4. It is found that the only records that remain at issue are the "job criteria" for the two positions.
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:

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 requested “job criteria” are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

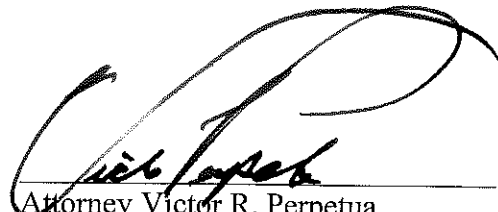
9. It is found the respondents provided all the records in their possession responsive to the complainant’s request for the “job criteria,” including the job criteria that were set forth in the postings for the positions, as well as the job descriptions and duties questionnaires for the two positions.

10. It is found that the provided records are not satisfactory to the complainant, who believes that there were in fact no valid “job criteria.” The complainant admits that no record in the possession of the respondents will satisfy him.

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.

  
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Attorney Victor R. Perpetua  
as Hearing Officer