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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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David Taylor,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2013-718

Chairperson, State of Connecticut, Board of
Pardons and Paroles; and State of Connecticut,
Board of Pardons and Paroles,
Respondent(s)

July 17, 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: David Taylor
Steven R. Strom, Esq.
cc: Kristine Barone

FIC# 2013-718/Trans/wrbp/VRP//VDH/2014-07-17

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

David Taylor,

Complainant

against

Docket #FIC 2013-718

Chairperson, State of Connecticut,
Board of Pardons and Paroles; and
State of Connecticut, Board of
Pardons and Paroles,

Respondents

July 17, 2014

The above-captioned matter was heard as a contested case on June 23, 2014, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOIC et al, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

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 November 20, 2013, the complainant appealed to the Commission, alleging that the respondents denied his October 24, 2013 request for certain public records.
3. It is found that, by letter dated October 24, 2013 to the respondent Chairman, the complainant requested:
 - a. A copy of the agreement with the U.S. Immigration and Naturalization Service under §54-125d(a), G.S.;
 - b. The number of aliens deported under §54-125d since its enactment;
 - c. The number of parole hearings held at 50% parole eligibility under the statute; and

- d The number of parole hearings held at any other percentage pardon eligibility under the statute.

4. 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.

5. 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.

6. Section 1-212(a)(1), G.S., provides in relevant part:

Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record.

7. It is found that the requested record described in paragraph 3.a, above, is a public record within the meaning of §§1-200(5) and 1-210(a), G.S.

8. It is found that the respondents provided the complainant with a copy of the eight-page agreement described in paragraph 3.a, above on or about March 19, 2014.

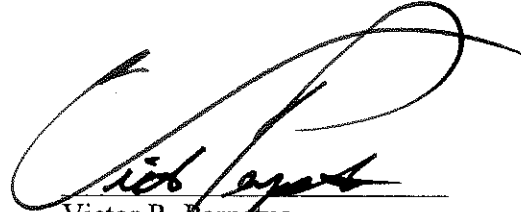
9. It is also found that the provision of the agreement approximately six months after the complainant's request was not prompt.

10. It is therefore concluded that the respondents violated the promptness provisions of §§1-210(a) and 1-212(a), G.S.

11. It is also found that, although not obligated to do so under the FOI Act, the respondents answered the complainant's questions as posed in paragraphs 3.b, 3.c, and 3.d, above (the answer to each question being zero).

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 comply with the promptness provisions of §§1-210(a) and 1-212(a), G.S.

A handwritten signature in black ink, appearing to read "Victor R. Perpetua", written over a horizontal line.

Victor R. Perpetua
as Hearing Officer

FIC2013-718/HOR/VRP/07172014