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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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Andrew Bilodeau,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2013-810

Chairman, Redevelopment Agency, Town of  
Preston; and Redevelopment Agency, Town of  
Preston,

Respondent(s)

August 20, 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, September 10, 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 27, 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 27, 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 27, 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: Andrew Bilodeau  
Matthew D. Ritter, Esq.

2014-08-20/FIC# 2013-810/Trans/wrbp/KKR/PSP

]FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Andrew Bilodeau,

Complainant

against

Docket #FIC 2013-810

Chairman, Redevelopment Agency,  
Town of Preston; and Redevelopment  
Agency, Town of Preston,

Respondents

August 15, 2014

The above-captioned matter was heard as a contested case on July 31, 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 letter dated November 20, 2013, the complainant requested inspection or copies of “all the scrap tickets that were identified [at...the November 18, 2013] [Board of Finance] meeting. These scrap tickets should include all corresponding tickets or documentation generated from the scales (since installation), located [at] Preston Riverwalk.”
3. It is found that, by letter dated November 25, 2013, the respondents acknowledged receipt of the request, described in paragraph 2, above, and informed the complainant that they would review the request and conduct a search of their files to determine whether or not they maintained responsive records and whether any exemptions to disclosure applied to such records.
4. It is found that, by letter dated November 26, 2013, the complainant attempted to clarify his request to the respondents by informing them that the “34 scrap tickets should still include all corresponding tickets or documentation generated from the ‘truck scale’ (since installation), physically located [at] Preston Riverwalk, [sic] I have little or no interest in the ‘sales’ information/documentation....”
5. By email dated and filed December 19, 2013, the complainant appealed to this Commission, alleging that the respondent violated the Freedom of Information (“FOI”) Act by failing to comply with the request for records, described in paragraph 2, above.

6. 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.

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

8. 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.”

9. It is found that the respondent Preston Redevelopment Agency (“PRA”) was created in 2009 to clean up and redevelop the former Norwich Hospital property, now known as Preston Riverwalk (“site”). In connection with this clean up and development process, it is found that the PRA oversees the demolition of the vacant buildings located at the site. It is found that the demolition produces various types of scrap metals, which are sorted at the site, then trucked and sold to one or more scrapyards. It is found that the trucks are weighed at the scrapyard and the driver is given a receipt for the load of scrap, which receipt the driver then delivers to the PRA. It is found that these receipts are known as “sales tickets.” It is also found that the scrapyard also delivers additional documentation to the PRA regarding the scrap delivered, such as its weight and dollar value. It is found that the respondents maintain both the sales tickets and the associated records pertaining to the sales of the scrap.

10. It is found that, beginning in 2011, one of the PRA members, on his own initiative, began to weigh the trucks *at the site* before the trucks left for the scrapyard. It is found that the scales used to weigh the trucks at the site produced a written record, known as a “scrap ticket.” It is found that the scrap tickets were printed on thermal paper, which is akin to onion skin, and on which the ink quickly faded. It is found that the respondents do not maintain these records, and that they discontinued the practice of weighing the trucks at the site by the end of 2011.

11. It is found that the respondents interpreted the request, described in paragraph 2, above, and further clarified by the complainant's letter, described in paragraph 4, above, as a request for the scrap tickets, described in paragraph 10, above. It is found that such interpretation is reasonable, as such scrap tickets are those that are "generated from the scales physically located at [the site]" and do not relate to "sales information/documentation."

12. It is found that, by letter dated December 23, 2013, the respondents informed the complainant that they do not maintain the "scrap tickets" he requested. However, the respondents also informed the complainant in that letter that they do, in fact, maintain copies of the final "sales tickets" indicating the weight of the scrap and the total proceeds received by the PRA for such scrap. It is found that the respondents did not provide the complainant with copies of the sales tickets because the complainant had previously indicated, in his November 26<sup>th</sup> letter (see paragraph 4, above), that he was not interested in sales information/documentation. It is found that, in response to the December 23<sup>rd</sup> letter, the complainant did not contact the respondents to request the sales tickets.


13. At the hearing in this matter, the complainant insisted that the respondents maintain the "scrap tickets." He also stated that he would like to receive copies of the sales tickets.

14. As noted in paragraph 10, above, however, the respondents do not maintain the scrap tickets.

15. Based upon the foregoing findings of fact, it is concluded that the respondents did not violate the FOI Act as alleged in the complaint.

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.
2. The Commission commends the respondents for their offer to provide the complainant with copies of the sales tickets and associated records without the need for the complainant to make a new request for such records.

  
Kathleen K. Ross  
as Hearing Officer