



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Mark Dumas and the Connecticut State Police
Union,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-033

Dora Schriro, Commissioner, State of Connecticut, Department of
Emergency Services and Public Protection; Colonel Danny
Stebbins, State of Connecticut, Department of Emergency
Services and Public Protection; and State of Connecticut,
Department of Emergency Services and Public Protection,
Respondent(s)

October 28, 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, November 19, 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 November 7, 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 November 7, 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 November 7, 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: Mark Dumas
Neil Parille, Esq.

2014-10-28/FIC# 2014-033/Trans/wrbp/VRP//CAL

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Mark Dumas and the Connecticut
State Police Union,

Complainants

against

Docket #FIC 2014-033

Dora Schiriro, Commissioner,
State of Connecticut, Department of
Emergency Services and Public
Protection; Colonel Danny Stebbins,
State of Connecticut, Department of
Emergency Services and Public
Protection; and State of Connecticut,
Department of Emergency Services
and Public Protection

Respondents

October 28, 2014

The above-captioned matter was heard as a contested case on August 4, 2014, at which time the complainants and the respondents appeared, stipulated to certain facts 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. By letter of complaint filed January 16, 2014, the complainants appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide copies of public records.
3. It is found that the complainants made a request to the respondents on December 12, 2013 for copies of:
 - a. All records, including emails, regarding any allegations of workplace violence by Colonel Danny Stebbins; and

- b. Any correspondence, including email, from, to, or carbon copying Commissioner Reuben Bradford, Colonel Danny Stebbins, or Bette Condon from Thursday, November 21, 2013 through December 12, 2013.

4. It is found that the respondents began providing emails responsive to the request on July 24, 2014, consisting of emails from Colonel Stebbins' email account.

5. It is found that, as of the date of the hearing in this matter, the respondents continued to search the email accounts of Commissioner Reuben Bradford and Bette Condon, and had identified potentially responsive documents, but had not fully reviewed those documents or yet provided any to the complainants.

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:

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.

8. 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.”

9. 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.

10. The complainant maintains that the respondents did not provide records promptly within the meaning of §§1-210(a) or 1-212(a), G.S.

11. The respondents contend that the volume of FOI requests processed by them, low staffing levels, and the necessity to review all records both for responsiveness and for many exemptions, are responsible for the seven-month delay in providing any records.

12. It is found, however, that the factors cited by the respondents as delaying their response do not explain why no records at all could be provided for seven months.

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

14. It is also found that the respondents maintain records other than emails that are responsive to the complainants' request, but that no such records were provided.

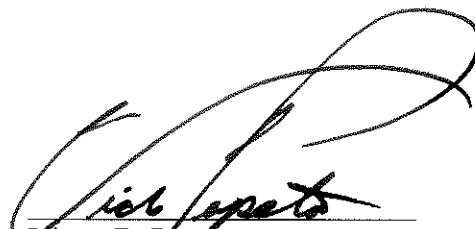
15. It is therefore concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by failing to provide all records responsive to the complainants' request.

16. It is found that, as of the date of the hearing, the respondents were continuing to search for and review records responsive to the complainants' request.

17. Under the facts and circumstances of this case, the Commission in its discretion declines to consider the imposition of a civil penalty.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The respondents shall continue to search for and review all records responsive to the complainants' request, and provide copies of such records forthwith.



Victor R. Perpetua
As Hearing Officer