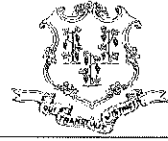


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FREEDOM OF INFORMATION



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

Notice of Meeting

Docket #FIC 2015-119

Tax Assessor, Town of Easton; and Town of Easton,
Respondent(s)

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, October 14, 2015**. 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 October 2, 2015**. 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 October 2, 2015**. **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 **fifteen (15) copies** be filed **ON OR BEFORE October 2, 2015**, 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: Frederick Lovejoy
Tax Assessor, Town of Easton; and Town of Easton
Adam W. Dunsby

2015-09-16/FIC# 2015-119/Trans/wrbp/CAL/VB

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Frederick Lovejoy,

Complainant

against

Docket #FIC 2015-119

Tax Assessor, Town of Easton;
and Town of Easton,

Respondents

July 23, 2015

The above-captioned matter was heard as a contested case on June 29, 2015, 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 January 23, 2015, the complainant requested that the respondent allow him to inspect all records “used in respect to assigning a class designation for ... [eight] properties in Easton... for the time period of January 1, 2008 to [the date of the request]. Additionally, the complainant requested the metadata which indicates when the various entries or data was recoded or entered...” (all of the requested records being the “requested records”).
3. It is found that, by letter dated January 30, 2015, the respondent Tax Assessor stated that records concerning four properties were forwarded to the complainant on July 10, 2014, that records concerning the other four properties could be viewed online and that copies concerning such properties could be received from her office. The respondent Tax Assessor also stated that the “Assessor’s office does not have any notes, documents and/or written information recorded physically/electronically by the office.” Finally, the respondent Tax Assessor affirmed that the field cards for the 2006 Grand List could also be received from her office.
4. By letter dated February 11, 2015 and filed with the Commission on February 17, 2015, the complainant appealed to the Commission, alleging that the respondents failed to provide him with the right to inspect records requested by his January 23, 2015 letter as well as by other previous requests. The complainant expressed particular interest in the metadata concerning when particular entries were made for the various properties.

5. Section 1-200(5), G.S., states:

“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. (emphasis added)

6. Sections 1-210(a) and 1-212(a), G.S., state, respectively, in relevant parts:

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.

...

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

7. It is found that by letter dated June 4, 2015 the respondent Tax Assessor provided the complainant with additional requested records including field cards from the 2006 reevaluation, without work sheets, field cards from the 2011 reevaluation, with work sheets, and the data collection card for the complainant's property dated January 19, 2015 (to be used in the upcoming October 1, 2016 reevaluation). Also enclosed was a “copy of the Grade/class description and definitions.”

8. It is found that, in order to provide the records with her June 4, 2015 letter, the respondent Tax Assessor devoted two or three hours over a week to compile the work sheets for the eight designated properties up to the October 1, 2016 reevaluation.

9. It is also found that the Town of Easton retained Equality Revaluation Services, LLC of Waterbury, CT to perform the 2016 revaluation. At the hearing, the respondent Assessor agreed to the suggestion of the hearing officer that she request Equality Revaluation Services, LLC to forward to her the worksheets for any of the eight properties, other than the complainant's property, that have been completed to date for the upcoming October 1, 2016 reevaluation. She also agreed to ask Equality Revaluation Services, LLC for all metadata concerning when particular entries were made for all the worksheets concerning all eight properties. The respondent Assessor undertook to provide these records to the complainant by July 20, 2015.

10. It is found that, by letter dated July 15, 2015 and filed July 17, 2015, the respondent Assessor stated that the respondents “will not have the residential work sheets for the 2016 revaluation available until January 8, 2016, (except for current building permits) and the final field cards after October 1, 2016. Contractually, we have no way of getting the information prior to the above dates.” The respondent Assessor also stated that the 2011 revaluation work sheets are stamped with an entered date indicating the date when the revaluation company entered data into their computer.

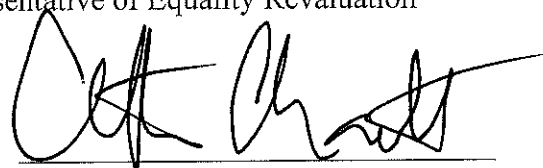
11. It is found that the respondents failed to prove that they could not currently obtain the residential work sheets or the final field cards for the 2016 revaluation. The contract between Equality Revaluation Services, LLC and the respondents was not introduced into evidence. Moreover, the date shown on a 2011 revaluation work sheet appears to be the date of the inspection of the property, as shown on respondents’ Exhibit A, not the date for data entry into a computer. Finally, no metadata, or data that describes data, was provided to the complainant, despite the fact that he has repeatedly highlighted this request.

12. It is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by failing to provide the complainant with some of the requested records promptly. Following a January 23, 2015 request, many records were not provided until June 4, 2015. See paragraphs 2 and 7, above.

13. It is also concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by failing to provide: a) the residential work sheets or the final field cards for the 2016 revaluation that may exist for the eight designated properties; or b) the metadata that the complainant requested.

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

1. Henceforth, the respondents shall provide non-exempt requested records promptly.
2. The respondents shall forthwith obtain from Equality Revaluation Services, LLC and provide to the complainant promptly for the eight designated properties: a) any residential work sheets or the final field cards for the 2016 revaluation that may exist (except for the previously provided data collection card for the complainant’s property dated January 19, 2015); and b) all metadata requested by the complainant in his January 23, 2015 letter. If residential work sheets or the final field cards for the 2016 revaluation do not yet exist for any of the eight designated properties, the respondents shall obtain a letter from an authorized representative of Equality Revaluation Services so stating.



Clifton A. Leonhardt
as Hearing Officer