

Since 1975



# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
Toll free (CT only): (866)374-3617 Tel: (860)566-5682 Fax: (860)566-6474 • www.state.ct.us/foi/ • email: foi@po.state.ct.us

James Brislin,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2015-007

Colleen Ann Reidy, Chairman, Thompsonville Fire  
District, Board of Commissioners; and Thompsonville Fire  
District, Board of Commissioners,  
Respondent(s)

October 2, 2015

### 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 28, 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 16, 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 16, 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 16, 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: James Brislin  
Patrick J. McHale, Esq.

2015-10-02/FIC# 2015-007/Trans/wrbp/VRP/VB

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

James Brislin,

Complainant

against

Docket #FIC 2015-007

Colleen Ann Reidy, Chairman,  
Thompsonville Fire District,  
Board of Commissioners; and  
Thompsonville Fire District,  
Board of Commissioners,

Respondents

October 2, 2015

The above-captioned matter was heard as a contested case on July 21, 2015, at which time the complainant and 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 7, 2015, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to promptly provide electronic records; by destroying public records; and by failing to waive fees for copying.
3. It is found that the complainant made a December 18, 2014 request to the respondents for copies of certain public records, and asking that any copying fees be waived on the grounds of the complainant's alleged indigence.
4. It is found that the respondents replied on December 18, 2014, indicating that some of the requested records were available on the respondents' website, that others, possibly numbering in the thousands, would have to be copied, and requesting proof of the complainant's alleged indigence to support his request for a fee waiver.
5. It is found that the complainant replied on December 22, 2014 that he was waiving "hard-copy paper production of the records in question and [would] instead accept production in an electronic format;" and that he wished to inspect the requested records first, and then to copy only the ones he selected. The complainant also made representations concerning his income.

6. It is found that the respondents replied on December 28, 2014 indicating that certain records were available on the Thompsonville Fire District website, that other records would be located and assembled for the complainant, and that the respondents would let the complainant know when they were available so that he could inspect them.

7. It is found that the complainant responded on December 29, 2014, requesting the opportunity to inspect additional records.

8. It is found that the respondents continued to respond on January 3 and January 6, 2015 to the complainant's requests, indicating which records existed, and that the respondents were in the process of developing an indigence policy.

9. Section 1-200(5), G.S., defines "public records" as follows:

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, ...whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

10. 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. .

11. 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."

12. It is concluded that the records requested by the complainant are, to the extent they exist, public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

13. Section 1-206(b)(1), G.S., provides in relevant part:

Any person denied the right to inspect or copy records under section 1-210 or wrongfully denied the right to attend any meeting of a public agency or denied any other right conferred by the Freedom of Information Act may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission.

14. It is found that the requested records, to the extent they exist, have been made available for inspection by the complainant.

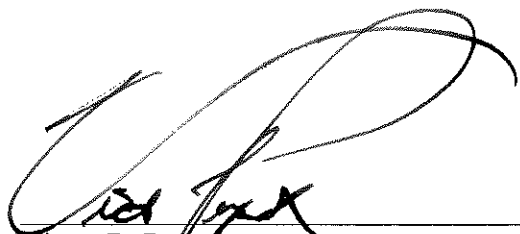
15. It is also found that the complainant presented no evidence that the respondents had destroyed public records as alleged.

16. It is further found that the respondents had not, as of the time of the hearing, either developed an indigence policy, denied the complainant copies of any records that he had inspected, or charged the complainant for any copies of records, and that therefore the issue of the respondents' indigence policy is not ripe for adjudication.

17. It is concluded, therefore, that the respondents did not violate the FOI Act with respect to the complainant's request.

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.



Victor R. Perpetua  
as Hearing Officer