

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

Geoffrey Akers,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-608

State of Connecticut, Office of Audit, Compliance and
Ethics, University of Connecticut; and State of
Connecticut, University of Connecticut,
Respondent(s)

January 29, 2016

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, February 24, 2016**. 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 February 11, 2016**. 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 February 11, 2016**. **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 February 11, 2016**, 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: Geoffrey Akers
Assistant Attorney General Holly J. Bray

2016-1-29/FIC# 2015-608/Trans/wrbp/LFS/VB

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Geoffrey Akers,

Complainant

against

Docket #FIC 2015-608

State of Connecticut, Office of Audit,
Compliance and Ethics, University of
Connecticut; and State of Connecticut,
University of Connecticut,

Respondents

January 29, 2016

The above-captioned matter was heard as a contested case on December 28, 2015, at which time the complainants and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The matter was consolidated for hearing with Docket #FIC2015-304, Liz Vitullo, Office of Audit, Compliance and Ethics, State of Connecticut, University of Connecticut; and State of Connecticut, University of Connecticut.

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 on August 31, 2015, and on several dates thereafter, the complainant requested information related to his unsuccessful applications for admission to the University Of Connecticut School Of Law in 2012 and 2013. It is found that the complainant sought records containing demographic information of applicants and records concerning his application. The complainant also sought explanations about the demographic composition of the applicant pool and about the respondents' denial of his applications for admission.
3. By letter filed September 15, 2015, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with copies of all of the records he requested.
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, ... 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, ... or (3) receive a copy of such records in accordance with section 1-212.

6. 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.

7. It is found that all the records requested by the complainants are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

8. With respect to the complainant’s requests for explanations, the Commission understands the complainant’s frustration with trying to ascertain the respondents’ criteria for admission; for example, the complainant asked the respondents to “explain in detail the ‘holistic’ style of evaluating applications that [the School of Law] advertises on its website.” It is concluded, however, that the FOI Act does not require agencies to perform research or answer questions in response to requests.

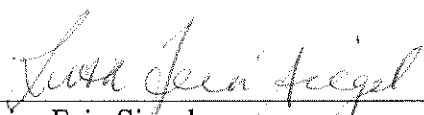
9. With respect to the complainant’s requests for copies of records, it is found that the respondents provided all responsive records that they maintain. It is found that the respondents provided much of the demographic data that the complainant sought, as well as his applications for admission to the School of Law with accompanying comments of members of the admissions committee and correspondence relating to his applications.

10. It is also found that some of the complainant’s requests were illegible due to poor penmanship, and the respondents contacted the complainant to ask him to submit the requests again, written legibly. It is found that the complainant did not do so prior to the hearing in this matter.

11. 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 hereby dismissed.



Lisa Fein Siegel
as Hearing Officer