

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Valeka Clarke,

Complainant

against

Docket #FIC 2016-0504

Chairman, Juvenile Review Board, City  
of Middletown; Juvenile Review Board,  
City of Middletown; and City of  
Middletown,

Respondents

February 8, 2017

The above-captioned matter was heard as a contested case on November 4, 2016, at which time the complainant 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 #FIC 2016-0505, Valeka Clarke v. Superintendent of Schools, Middletown Public Schools; and Middletown Public Schools; and Docket #FIC 2016-0507, Valeka Clarke v. Chief, Police Department, City of Middletown; Police Department, City of Middletown; and City of Middletown.

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 June 14, 2016, the complainant sent a 12-part request for copies of records concerning the Juvenile Review Board to the mayor of the City of Middletown.
3. It is found that counsel for the mayor acknowledged the complainant's request by email sent on June 14, 2016. It is found that the counsel also forwarded the request to the respondent Juvenile Review Board.
4. It is found that, on Friday, July 8, 2016, the complainant emailed counsel for the mayor and asked when the requested records would be provided to her.
5. It is found that on Tuesday, July 12, 2016, the attorney responded to the complainant's email. It is found that the attorney apparently confused the complainant's request for records of the Juvenile Review Board with another request from the complainant to the police

chief. It is found that the attorney advised the complainant that he was still reviewing the records and that a lieutenant would contact the complainant shortly.

6. By letter filed July 12, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide the records she requested.

7. 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.

8. 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.

9. 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.

10. It is found 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.

11. It is found that, on September 15, 2016, the respondents’ youth service coordinator wrote to the complainant to inform her that he had compiled the records she requested. It is found that the letter informed the complainant that there were 95 pages of records available for her review at the Youth Services Bureau. It is found that the letter also explained why it took nearly three months to comply with the complainant’s request, and also provided an outline of what was collected.

12. The complainant alleged that the respondents were not prompt in providing the requested records.

13. With regard to the question of promptness, the Commission has held that the meaning of the word “promptly” is a particularly fact-based question. In Advisory Opinion #51, In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant (Notice of Final Decision dated January 11, 1982), the Commission advised

that the word “promptly,” as used in §1-210(a), G.S., means quickly and without undue delay, taking into consideration all of the factors presented by a particular request.

14. The advisory opinion goes on to describe some of the factors that should be considered in weighing a request for records against other priorities: the volume of records requested; the time and personnel required to comply with a request; the time by which the person requesting records needs them; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without the loss of the personnel time involved in complying with the request.

15. It is found that the letter stated, and the coordinator testified, that the delay was due to the breadth of the complainant’s request and the time span for which she sought records, the fact that the Bureau consisted of only one full-time and one part-time employee, and that the request came at an extraordinarily busy time for the Bureau, with the end of the school year, the launch of summer programs, and impending deadlines for reports and grant submissions.


16. It is found, under the circumstances, that the respondents complied with the complainant’s request in a prompt manner, based on the coordinator’s testimony at the hearing in this matter.

17. It is concluded that the respondents did not violate the FOI Act as alleged.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 8, 2017.




Cynthia A. Cannata  
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Valeka Clarke  
38 Santangelo Circle  
Middletown, CT 06457

Chairman, Juvenile Review Board, City of Middletown;  
Juvenile Review Board, City of Middletown; and  
City of Middletown  
c/o Christopher Smedick, Esq.  
Office of the General Counsel  
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Middletown, CT 06457



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