

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Maurice Kirk Carr, Jr.,

Complainant

against

Docket #FIC 2016-0548

First Selectman, Town of Clinton; and
Town of Clinton,

Respondents

April 26, 2017

The above-captioned matter was heard as a contested case on March 2, 2017 at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony and argument on the complaint.

In the course of the hearing, the parties agreed that the gravamen of Mr. Carr's complaint was that he had not received, from the First Selectman, records of Clinton Housing, Inc., which the complainant alleged (and the respondents denied) was the functional equivalent of a public agency pursuant to Board of Trustees of Woodstock Academy, et al. v. Freedom of Information Commission, et al., 181 Conn. 544 (1980). The First Selectman made an offer of proof that he did not maintain the requested records. The parties agreed that the complainant had not directed his request to Clinton Housing, Inc.; that Clinton Housing, Inc., had not denied his request for records; and that Clinton Housing, Inc., had not received notice of the complaint, and was not a party to this matter. The complainant withdrew his complaint on the record, and indicated his intention to make a new request to Clinton Housing, Inc., and file a new complaint with the Commission, if warranted.

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.
2. The complainant was never made aware that he had misdirected his original request for records, and came to the hearing thoroughly prepared to prosecute his complaint, and submitted an extensive brief prior to the hearing. The Commission advises him that, if he files a new complaint, he may request that it be expedited, and that the Commission will take into consideration the time taken to prosecute, and process the above-captioned complaint when it decides whether or not to grant his request to expedite his new complaint.

Approved by Order of the Freedom of Information Commission at its regular meeting of April 26, 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:

Maurice Kirk Carr, Jr.
9 Osprey CMNS South
Clinton, CT 06413

First Selectman, Town of Clinton; and
Town of Clinton
c/o John S. Bennet, Esq.
P.O. Box 959
Essex, CT 06426



Cynthia A. Cannata
Acting Clerk of the Commission