

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Terrance Burton,

Complainant,

Docket # FIC 2017-0632

against

Cowlis Andrews, Chairperson,
Bridgeport Housing Authority; and
Bridgeport Housing Authority,

Respondents

August 8, 2018

The above-captioned matter was heard as a contested case on July 10, 2018, at which time the complainant and respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOIC, et al., Superior Court, J.D., of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.). Subsequently, the complainant filed an affidavit, dated July 10, 2018, which was not notarized, with an attachment, and requested that such affidavit and attachment be added to his testimony. Such request is hereby denied. The complainant's affidavit and attachment will be marked as Complainant's Exhibit A, for ID purposes only.

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 October 9, 2017, the complainant made a request to the respondents for copies of all documents on file for two shootings which took place at 64 Sanford Avenue on July 6, 2014 and July 7, 2014.
3. By letter dated October 17, 2017, and filed on October 19, 2017, 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 the records, described in paragraph 2, above. The complainant also requested the imposition of civil penalties against the respondents.
4. Section 1-200(5), G.S., defines "public records or files" as:

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.

5. Section 1-210(a), G.S., provides in relevant part that:

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 . . . (3) receive a copy of such records in accordance with section 1-212.

6. Section 1-212(a), G.S., provides in relevant part that "any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

7. At the hearing, the complainant contended that the respondents currently maintain the requested records, since the respondents provided him with copies of such records in July 2014.

8. However, it is found that, in 2018, the respondents conducted a thorough search for any paper or electronic record which might be responsive to the request described in paragraph 2, above, but located no such record.

9. It is found that, by letter dated March 6, 2018, the respondents informed the complainant that they maintain no records responsive to the request described in paragraph 2, above. The complainant testified that he did not receive such letter.

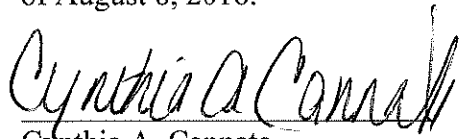
10. It is found that the respondents do not keep on file or maintain the records described in paragraph 2, above, at this time.

11. It is concluded that the respondents did not violate the FOI Act as alleged by the complainant. Accordingly, it is unnecessary to address the complainant's request for civil penalties in this matter.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of August 8, 2018.



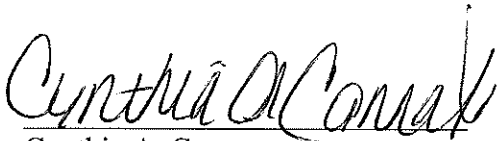
Cynthia A. Cannata
Acting Clerk of the Commission

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:

TERRANCE BURTON, #244193, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

**COWLIS ANDREWS, CHAIRPERSON, BRIDGEPORT HOUSING AUTHORITY;
AND BRIDGEPORT HOUSING AUTHORITY**, c/o Attorney Seon Bagot, Housing Authority of the City of Bridgeport, 150 Highland Lane, Bridgeport, CT 06604



Cynthia A. Cannata
Acting Clerk of the Commission