

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ethan Book,

Complainant

against

Docket #FIC 2017-0198

Mayor, City of Bridgeport; and  
City of Bridgeport,

Respondents

January 24, 2018

The above-captioned matter was heard as a contested case on June 6, 2017, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. This case was consolidated for hearing with Docket #FIC 2017-0199, Book v. Director, Water Pollution Control Authority, City of Bridgeport et al.; and Docket #FIC 2017-0217, Book v. City Attorney, Office of the City Attorney, City of Bridgeport et al.

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 April 6, 2017, the complainant appealed to the Commission, alleging that the respondents failed to comply with his March 3 and March 20, 2017 requests for public records.
3. It is found that the complainant made a March 3, 2017 request to the respondents for “various items regarding foreclosures for bills of the Water Pollution Control Authority (“WPCA”), a private-public partnership, and regarding foreclosures for city property taxes .... The items requested include the following:
  - a. “A copy of the report prepared during about 2010 by Attorney John Bohannon regarding the practice of excess charges by Attorney Juda Epstein;
  - b. “A copy of any established policy which provides for the Office of the City Attorney to make a decision for the WPCA to begin a foreclosure;

- c. “A copy of any policy which describes when the Office of the City Attorney will authorize the WPCA to begin a foreclosure (i.e., period of time in arrears, amount of total arrears, etc.);
- d. “A copy of any established procedure for the Office of the City Attorney to decide to what private attorney a WPCA would be referred;
- e. “A copy of established criteria for qualifying a private attorney for inclusion in a list for WPCA foreclosure referrals;.
- f. “A copy of any list of private attorneys approved for WPCA foreclosure referrals;
- g. “A copy of city policy and authority for charging late fees and penalty interest for city taxes;
- h. “A list of properties with owners’ names which have been foreclosed for city taxes since January 1, 2014; and
- i. “The established procedure for the city to sell tax liens.”

4. It is found that the complainant also made a March 20, 2017 request to the City Attorney, repeating March 3, 2017 requests described above in paragraph 2, and additionally requesting, “with reference to an Assignment of Real Property Tax Liens dated July 26, 2011 (of liens for unpaid city taxes held by American Tax Funding, LLC and assigned to Titan Capital, ID, LLC) and recorded with Bridgeport land records ... the following:

- a. Any copy or copies of public notice(s) of the offering(s) of the 180 tax liens which are reported in the Assignment as its Schedule A (with dates of notice(s)); and
- b. Documentation which reflects when, how and for how much the City assigned/sold or transferred such liens to American Tax Funding or other assignee.

5. It is found that the respondents replied on March 23, 2017, providing a link to some responsive records. The complainant alleges in his complaint that this reply was not responsive to his request.

6. 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, 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.

7. 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.

8. 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."

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

10. The parties agree that the requests described in paragraphs 2.c through 2.f are for the same information.

11. It is found that no records exist that are responsive to paragraphs 2.a through 2.f or 2.h of the complainant's request.

12. It is found that the only records responsive to paragraphs 2.g and 2.i are located in the General Statutes, which the City tax collector follows. It is found that the respondents did generally refer the complainant to Title 12, which the complainant found unsatisfactory. The identification of the particular statutes that would answer the complainant's questions would require legal research by the respondents, which they are not obligated to undertake.

13. It is found that, as of the date of the hearing in this matter, the respondents represented that they needed more time to determine if they have any records responsive to the portion of the request described in paragraph 3.a, above. The respondents agreed to provide any such records, if located.

14. It is found that the only records responsive to the portion of the request described in paragraph 3.b, above, are contained in the City's land records, and that the respondents again represented that they were seeking to determine if they could locate them, and would provide them if they did.

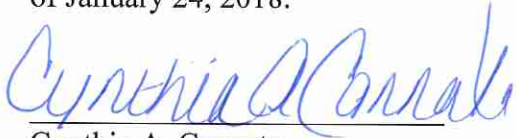
15. It is concluded that the respondents did not violate §1-212(a), G.S., with respect to the records described in paragraphs 2.a through 2.i, above.

16. It is also concluded that the respondents violated §1-212(a), G.S., by failing to promptly provide the records described in paragraphs 3.a and 3.b, above.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The respondents shall forthwith provide any records responsive to the portion of the complainant's request described in paragraphs 3.a and 3.b, above. If no such records are located, the respondents shall so notify the complainant in writing.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 24, 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:

**ETHAN BOOK**, PO Box 1385, Fairfield, CT 06825

**MAYOR, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT** c/o  
Attorney Tamara Titre, City of Bridgeport, Office of the City Attorney, 999 Broad  
Street, Bridgeport, CT 06604



Cynthia A. Cannata  
Acting Clerk of the Commission