

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ethan Book,

Complainant

against

Docket #FIC 2017-0324

Mayor, City of Bridgeport; and
City of Bridgeport,

Respondents

January 24, 2018

The above-captioned matter was heard as a contested case on September 14 and November 9, 2017, at which times the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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 email dated May 8, 2017, the complainant requested certain records from the respondents.
3. It is found that, on June 6, 2017, the respondents acknowledged the request.
4. By letter dated June 7, 2017, and filed June 9, 2017, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information Act by failing to comply with his request.
5. Section 1-200(5), G.S., provides:

“[p]ublic 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.

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

[e]xcept 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 inspect such records promptly during regular office or business hours...or (3) receive a copy of such records in accordance with section 1-212.

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

8. It is concluded that the requested records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. At the hearing in this matter, the complainant stated that he accepted the respondents’ representation that they had provided to him all responsive records they maintain, except for those records reflecting payments made by the respondents to the law firm of Pullman & Comley, for the years 2009 to 2014 (“payment records”), which, at the time of the second hearing, he still had not received.

10. The respondents did not bring a witness to the hearings in this matter. Although counsel for the respondents represented that the respondents had begun to search for the payment records, and that they would provide any such records, if located, to the complainant, it is found that the respondents failed to prove that they had provided to the complainant all responsive payment records they maintain.

11. It is therefore concluded that the respondents violated §§1-210(a) and 1-212(a), G.S.

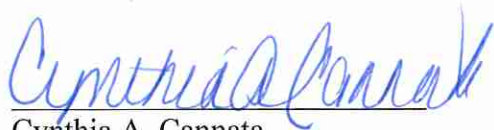
The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Forthwith, the respondents shall conduct an additional search for the payment records, described in paragraph 9, of the findings, above.

2. If such records are located, the respondents shall immediately provide a copy of such records to the complainant, free of charge. If no such records are located, the respondents shall promptly inform the complainant of this fact, in writing.

3. Henceforth, the respondents shall strictly comply with the requirements of §§1-210(a) and 1-212(a), G.S.

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 Tamara Titre,
Office of the City Attorney, 999 Broad Street, Bridgeport, CT 06604



Cynthia A. Cannata
Acting Clerk of the Commission