

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Tyronne Pierce,

Complainant

Docket # FIC 2017-0627

against

Luke Bronin, Mayor, City of
Hartford; and City of Hartford,

Respondents

September 26, 2018

The above-captioned matter was heard as a contested case on July 9, 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.).

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 5, 2017, the complainant made a request to the respondents for: a) the file number of a complaint he sent to the mayor's office on September 11, 2017; b) the name of the investigator assigned to his September 11, 2017 complaint; c) the investigation report of the complaint filed on September 11, 2017; and "requesting #1, 2, 3, for complaint against C. Davis."
3. It is found that, by letter dated October 15, 2017, the respondents informed the complainant that they maintain no records responsive to the request described in paragraph 2, above.
4. By letter filed October 18, 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 respondent mayor.

5. 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.

6. 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.

7. 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.”

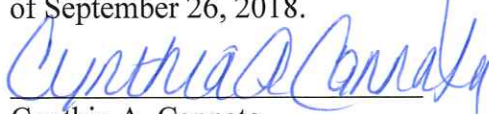
8. It is found that the respondents do not maintain the September 11, 2017 complaint referenced in paragraph 2, above. It is further found that the respondents do not maintain the records described in paragraph 2, above.

9. It is concluded that the respondents did not violate the FOI Act, as alleged in the complaint. 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 September 26, 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:

TYRONE PIERCE, #176388, Osborn Correctional Institution, 355 Bilton Road, P.O. Box 100, Somers, CT 06071

LUKE BRONIN, MAYOR, CITY OF HARTFORD; AND CITY OF HARTFORD, c/o Attorney Cynthia Lauture, Office of the Corporation Counsel, 550 Main Street, Hartford, CT 06103



Cynthia A. Cannata
Acting Clerk of the Commission