

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Vincent Larobina,

Complainant

against

Docket #FIC 2018-0103

Tax Assessor, City of Stamford;
and City of Stamford,

Respondents

February 13, 2019

The above-captioned matter was scheduled to be heard as a contested case on April 30, 2018. At such time, a hearing was conducted by Hearing Officer Tracie C. Brown, who did not hear or consider the presentation of testimony, evidence or argument. Rather, during the three minute April 30, 2018, hearing, the complainant and the respondents jointly moved to continue the matter for 30 days in order to settle the case. Such request was granted. When the parties failed to settle the matter, the matter was subsequently heard by a different Hearing Officer as a contested case on September 6, 2018, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. During the September 6, 2018 contested case hearing, although the presentation of evidence was not yet complete, the parties again represented to the Commission that they would likely settle the case, and asked for the opportunity to do so. The Hearing Officer granted such request. Having heard nothing further from the parties, the matter was again heard as a contested case on January 4, 2019, at which time the complainant and the respondents appeared, stipulated to certain facts and presented further testimony, exhibits and argument on the complaint. For purposes of the September 6, 2018 and January 4, 2019 hearings, this matter was consolidated with Docket # FIC 2018-0323; Vincent Larobina v. Corporation Counsel, City of Stamford; and City of Stamford.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. It is found that the respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, by letter dated February 1, 2018, the complainant requested either inspection or copies of the following:
 - a – relative to the recent revaluation, a list of all properties,

residential and commercial, which experienced a 47% or greater increase in valuation relative to the prior valuation;

- b - any and all records of communications, including but not limited to, emails, text messages and instant chats between the Stamford Assessors' Office and the Municipal Valuation Group LLC for the period January 2017 through the present.
- c - a list of all properties (residential and commercial) that participated in the January 2018 informal hearings whereby property owners requested an informal review of the most recent revaluation of their properties – and please provide a copy of the revised assessments issued to the property owners at the completion of the review process;
- d - any and all public records, including but not limited to memoranda, letters, advisory opinions, recommendations and/or reports in any way related to Municipal Valuation Group LLC and the most recent Stamford revaluation.

3. It is found that, by letter dated February 6, 2018, the respondents acknowledged the request described in paragraph 2, above. It is further found that thereafter, the parties corresponded regarding a date for fulfillment of the complainant's request.

4. By letter dated February 27, 2018, and filed March 1, 2018, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide copies of the requested records.

5. 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, ... 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:

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, ... 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: “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, to the extent that the respondents maintain the records requested by the complainant as described in paragraph 2, above, such records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

9. It is found that, by email dated March 1, 2018, the respondents provided the complainant with copies of records responsive to the requests described in paragraph 2.a and 2.c, above, and informed the complainant that the Stamford employee who would be able to respond to the request described in paragraph 2.b, above, was on vacation and would respond upon that employee’s return to work.

10. It is found that, by email dated April 4, 2018, the respondents provided the complainant with copies of records responsive to the request described in paragraph 2.b, above, and asked the complainant to withdraw the complaint with the Commission at issue herein.

11. It is found that, by email dated April 12, 2018, the complainant asked the respondents about the request described in paragraph 2.d, above.

12. It is found that, by email dated April 16, 2018, the respondents provided the complainant with copies of field card records which were the subject of a meeting the complainant had had with the Chairman of the Stamford Board of Appeals, although such records were not the subject of the request described in paragraph 2, above, and asked the complainant to withdraw the complaint with the Commission at issue herein.

13. It is found that, by email dated May 1, 2018, the respondents provided the complainant with copies of records responsive to the request described in paragraph 2.d, above.

14. It is found that, by two emails dated May 15, 2018, the respondents provided the complainant with copies of valuation tables, records responsive to the request described in paragraph 2.c and 2.d, above.

15. It is found that the parties thereafter engaged in correspondence related to the matter of Docket #FIC 2018-0323, and also to separate records requests that the complainant made in May 2018 to the Stamford Board of Representatives and the Board of Assessment Appeals. Such matters are outside the scope of the complaint in this matter, and shall not be further addressed herein.

16. It is also found that the parties further communicated in efforts to resolve this matter.

17. It is found that the respondents do not claim that any exemption operates to provide a basis to withhold the records described in paragraph 2, above.

18. It is found that the respondents provided the complainant with multiple records responsive to the request described in paragraph 2, above, free of charge. However, because the respondents did not provide testimony regarding the scope of the provision of records to the complainant, the respondents failed to prove that they provided all responsive records to the complainant. Accordingly, it is found that the respondents did not provide to the complainant all responsive records, as described in paragraph 2, above.

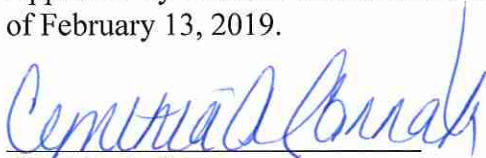
19. It is concluded, therefore, that the respondents violated §§1-210(a) and 1-212(a), G.S., in this matter.

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 provide the complainant with copies of all records responsive to the request described in paragraph 2, above, that heretofore have not been provided to the complainant, free of charge.

2. In the alternative, if applicable, the respondents shall provide the complainant with an affidavit by a person within the Assessor's office with knowledge of the scope of the search for, and provision of, records in this matter. Such affidavit shall attest to facts describing the search for, and provision of, records in this matter, and shall also attest that there are no further outstanding records which have not already been provided.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 13, 2019.



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:

VINCENT LAROBINA, 113 Grove Street, Stamford, CT 06901

TAX ASSESSOR, CITY OF STAMFORD; AND CITY OF STAMFORD, c/o Attorney
Burt Rosenberg, City of Stamford, PO Box 152, Stamford, CT 06904-2152



Cynthia A. Cannata
Acting Clerk of the Commission