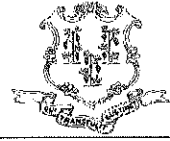


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FREEDOM OF INFORMATION



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Bettina Drew,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0337

Commissioner, State of Connecticut, Department of
Emergency Services and Public Protection; and State of
Connecticut, Department of Emergency Services and
Public Protection,

Respondent(s)

November 10, 2016

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, December 7, 2016**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE November 22, 2016**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE November 22, 2016**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE November 22, 2016**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Bettina Drew
Assistant Attorney General Stephen R. Sarnoski

FIC# 2016-0337/Trans/wrbp/VDH/TCB/2016-11-10

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Bettina Drew,

Complainant

against

Docket #FIC 2016-0337

Commissioner, State of Connecticut,
Department of Emergency Services
and Public Protection; and State of
Connecticut, Department of
Emergency Services and
Public Protection,

Respondents

October 5, 2016

The above-captioned matter was heard as a contested case on July 28, 2016, at which time the complainant and the respondents appeared, stipulated to certain facts 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. By letter dated and filed May 3, 2016, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by not complying with an order in a final Commission decision reached in a previous complaint, which the complainant had filed against these respondents.
3. The Commission takes administrative notice of the final decision in Docket #FIC 2015-318; Bettina Drew v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection, et al. (Apr. 27, 2016). In the final decision, the Commission ordered the respondents to provide the complainant 123 pages of records, at no charge. The Commission notes that 158 pages of records were at issue. However, the Commission determined that 35 of the 158 pages were exempt from disclosure pursuant to §1-210(b)(2), G.S.
4. In the instant case, the complainant contends that the respondents failed to comply with the Commission's April 27, 2016 order because they only provided her with 125 pages of records.

5. At the contested case hearing on the non-compliance complaint, the respondents submitted an exhibit containing the records that they disclosed pursuant to the Commission's April 27, 2016 order.

6. Upon comparison of the in camera records that were submitted in the context of the previous matter (which records are still in the Commission's possession) with the exhibit of disclosed records referred to in paragraph 5, above, it is found that the respondents disclosed the 123 pages of records that the Commission ordered them to disclose, as well two additional pages that the Commission did not order them to disclose.

7. Accordingly, it is concluded that the respondents did not fail to comply with this Commission's order in Docket #FIC 2015-318. It is further concluded that the respondents did not violate the FOI Act as alleged in the instant complaint.

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.



Valicia Dee Harmon
as Hearing Officer