



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
Toll free (CT only): (866) 374-3617 Tel: (860) 566-5682 Fax: (860) 566-6474 • www.ct.gov/foi • email: foi@ct.gov

Tyronne Pierce
Complainant(s)
against

Notice of Meeting

Mayor, City of Hartford; and City of Hartford
Respondent(s)

Docket #FIC 2016-0768

August 15, 2017


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 **2:00 p.m. on Wednesday, September 13, 2017**. 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 August 30, 2017**. 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 August 30, 2017**. **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 August 30, 2017** 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

Wendy R.B. Paradis
Acting Clerk of the Commission

Notice to: Tyronne Pierce
Attorney Cynthia Lauture
cc: Craig Washington

FIC# 2016-0768/ITRA/TCB/VDH/WRBP/2017-08-15

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Tyronne Pierce,

Complainant

against

Docket #FIC 2016-0768

Mayor, City of Hartford; and City of
Hartford,

Respondents

August 14, 2017

The above-captioned matter was heard as a contested case on June 9, 2017 at which time the complainant and the 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 the hearing on this matter the complainant filed three after-filed exhibits that are marked as follows: Complainant's Exhibit B, Two-page document which is a copy of the front and back of a certified mail return receipt; Complainant's Exhibit C, One-page document which is a copy of a Special Request Form of the Connecticut Department of Correction dated November 9, 2015; and Complainant's Exhibit D, One-page document which is a copy of a handwritten letter dated June 27, 2016 to the respondent Mayor from the complainant. The Commission has not received any objection from the respondents as to the submission of such documents.

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 notarized on October 27, 2016, and filed on October 31, 2016, the complainant filed an appeal against the named respondents.

3. It is found that the complainant made two separate records requests. It is found that one was directed to the respondent Mayor, at 550 Main Street, Hartford, CT 06103-2992, and dated September 30, 2016, for records related to a complaint he filed with the respondent city on June 27, 2016. It is found that the complainant stated in his letter of request to the respondent Mayor that, according to the signature on the return receipt for certified mail, his letter of complaint was received by a C. Davis. It is found that the other request was directed to a John B. Hughes, at 157 Church Street, New Haven, CT 06510, and was also dated September 30, 2016, in which he requested records related to a complaint he filed on October 19, 2015.

4. 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.

5. 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 ... receive a copy of such records in accordance with section 1-212.

6. 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.”

7. It is found 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.

8. It is found that the respondents first learned of the complainant's requests when they received the Notice of Hearing and Order to Show Cause (hereafter “OSC”) dated May 23, 2017. It is found that such notice informed the respondents of the complainant's appeal and provided them with a copy of his letter of complaint to the Commission and his September 30, 2016 requests.

9. It is found that upon receipt of the OSC, the respondents searched for records that would be responsive to the complainant's request to the respondent Mayor and for a C. Davis, the person who allegedly signed the return receipt described in paragraph 3, above. It is found that the respondents have no record of a complaint filed by the complainant dated June 27, 2016. In addition, it is found that the respondents have one employee whose first name begins with a C.

and whose last name is Davis, however, this employee works the night shift at a different address and would never have had an occasion to receive and sign for certified mail on behalf of the respondent city.

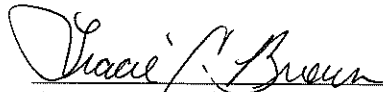
10. It is also found that the respondents reviewed the complainant's request to a John B. Hughes, at 157 Church Street, New Haven, CT 06510 and that they determined that such request was not directed to any office of the respondent city or to any employee of the respondent city. It is found that 157 Church Street, New Haven, CT 06510 is not the address of any public agency of the respondent city or even of the City of New Haven, but rather is the address to a branch office of a private banking company.¹ In addition, it is found that the respondents do not maintain any records related to a complaint filed by the complainant on October 19, 2015.

11. It is found that the respondents do not maintain any records responsive to either of the complainant's requests described in paragraph 3, above.

12. It is therefore concluded that the respondents did not violate §§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. The complaint is hereby dismissed.



Attorney Tracie C. Brown
as Hearing Officer

FIC2016-0768/hor/ich/20170802

¹ At the hearing on this matter, the complainant contended that this Commission erred by including his complaint against John B. Hughes in this matter and contended that his complaint against John B. Hughes should have been docketed as a separate matter. It is found, however, that it is not clear from the complainant's appeal letter that he intended to file a separate complaint against the City of New Haven, or one of its employees. However, the complainant may submit a new request to the City of New Haven for the requested records, and appeal to this Commission from any alleged violation from that request.