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# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Robert C. Hunt, Jr.,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2012-156

Assessor, Town of Andover; and  
Town of Andover,  
Respondent(s)

October 11, 2012

### 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, November 14, 2012**. 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 2, 2012**. 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, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE November 2, 2012**. 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 **fourteen (14) copies** be filed **ON OR BEFORE November 2, 2012**, 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: Daniel J. Klau, Esq.  
Aimee L. Wickless, Esq.

10/11/12/FIC# 2012-156/Trans/wrbp/VDH/TAH

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Robert C. Hunt, Jr.,

Complainant

against

Docket #FIC 2012-156

Assessor, Town of Andover; and  
Town of Andover,

Respondents

October 3, 2012

The above-captioned matter was heard as a contested case on August 31, 2012, 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. It is found that, by letter dated February 22, 2012, the complainant requested that the respondents permit him to inspect and copy (as desired) the following records:
  - a. All documents, writings, field notes, property record cards of comparables, comparable properties identified, photographs, books, manuals, electronic recordings including email, publications, communications in any format with anyone including employees of Vision Government Solutions ("Vision"), or memoranda of any such communications relative to property at 40 Townsend Road ("Property") and the Revaluation thereof for the 1 October 2011 Grand List of the Town;
  - b. All criteria used by the party, Vision, engaged by the Town to conduct the Revaluation for the 1 October 2011 Grand List relative to the Property including, but not limited to:
    - i. Pricing Tables or the like;

- ii. Building Standards;
  - iii. Manual used by Vision; and
  - iv. Property Record Card for the Property provided to Vision for its contract work for the Town;
- c. All documents considered by the Assessor when increasing the assessment on the Property from the \$172,200, as approved by the Assessor on the last Grand List of 1 October 2010 and also as determined by judgment of the Connecticut Superior Court on 6 January 2011 after trial (Hunt v. Andover, No. CV 09 40113155) A. Aronson, Judge, to \$175,000 on the 1 October 2011 Grand List; and
  - d. Property Record Cards for residential properties at 11 Wheeling Road and 14 Hebron Road, being the properties cited by the Court as being the most comparable to the Property in the 6 January decision.

3. It is found that, by letter dated February 27, 2012, the respondents acknowledged the complainant's request. It is further found that, in the acknowledgement, the respondents informed the complainant that they were in the process of compiling the requested records and would contact him once the records were prepared. Finally, it is found that the respondents informed the complainant that he was welcome to come to the respondents' office to review property cards, as these records were already available for review.

4. By letter dated March 16, 2012 and filed March 19, 2012, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for access to and copies of the records described in paragraph 2, above.

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, 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, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212. (Emphasis supplied).

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 found that, by notice dated January 22, 2012, the respondents informed the complainant that assessment on his residential property within the respondent town had been increased.

9. It is found that the complainant requested the town’s board of assessment schedule a hearing to consider a reduction in the increased assessment.

10. It is found that board of assessment scheduled a hearing on the complainant’s request for February 22, 2012.

11. It is further found that, in order to prepare for the February 22, 2012 board of assessment hearing, the complainant presented the request described in paragraph 2, above, to the respondents.

12. It is found that, on or about October 1, 2011, the respondents contracted with Vision Government Solutions (“Vision”) to assist them with the town’s reevaluation process.

13. It is found that, at the outset of the reevaluation process, the town presented Vision with certain agency materials, such as a copy of the town assessor’s data base, a copy of the 2010 Grand List and a full set of tax maps.

14. It is found that, in conjunction with performing its reevaluation duties, Vision would print out property cards of properties that had recently sold and later drive by such properties to conduct a visual inspection. It is found that, during the visual inspections, the Vision agent conducting the inspections would take notes on the property cards. It is further found that this handwritten information would be used by the agent at a later time in connection with adjusting the town’s tax tables and implementing a mass revaluation.

15. It is found that the respondents have a right to access records in the possession of Vision that have to do with the work that Vision is performing for the town.

16. It is found that the complainant, as part of his request, wanted access to, inter alia, the property cards on which notes had been taken by Vision during the visual inspection process.

17. It is found that the complainant believed that the respondents were in the process of obtaining the property cards referred to in paragraph 16, above, from Vision for his review.

18. It is found that the respondents did communicate with Vision to obtain the property cards, and any other documents in Vision's possession, and that Vision agreed to turn such records over to the respondents. However, it is found that Vision later informed the respondents that, other than a revaluation methodology handbook, the records in Vision's possession, including the property cards with its agent's handwritten notes, had been inadvertently discarded.

19. It is therefore found that, at the time the complaint was filed in this case, the records to which the complainant wanted access were no longer available. It is further found that the records' unavailability arose through no fault of the respondents.


20. It is found that other than the town's own original property cards referred to in paragraph 3, above, the respondents were only able to retrieve from Vision a revaluation methodology handbook for the complainant's review.

21. It is found that, given the fact that the complainant was preparing for a board of assessment hearing, it would have been extremely helpful if the respondents had specifically informed the complainant that all of the available records had been provided to him, that the respondents were only able to obtain from Vision the revaluation methodology handbook, as other materials had been inadvertently discarded, and that the complainant should now disregard the respondents' acknowledgement letter to the extent that it stated that additional records were being "compiled" for his review. See ¶ 3, above.

22. Nonetheless, based on the finding in paragraph 19, above, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., as alleged in the 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