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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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Carl Liano,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2012-603

Richard Weiner, Benefits Manager, City of
Bridgeport; and City of Bridgeport,
Respondent(s)

May 15, 2013

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, June 12, 2013**. 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 May 31, 2013**. 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 May 31, 2013**. 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 May 31, 2013**, 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: Carl Liano
Gregory Conte, Esq.
Arthur Laske, Esq.

5/15/13/FIC# 2012-603/Trans/wrbp/CAL//KKR

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Carl Liano,

Complainant

against

Docket #FIC 2012-603

Richard Weiner, Benefits Manager,
City of Bridgeport; and City of Bridgeport,

Respondents

May 1, 2013

The above-captioned matter was heard as a contested case on April 3 and April 29, 2013, at which times the complainant and the respondents appeared 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)(A), G.S.
2. It is found that, by letter dated January 9, 2012, the complainant requested the names of all Bridgeport Police Department and Fire Department members and their dependents, where the member was age sixty-five or older and continued medical insurance that they received while employed and did not file for Medicare part B. The complainant asked that the members be identified as having been a member of the Police Department or the Fire Department and asked the year of retirement for each member.
3. It is found that, by letter dated January 20, 2012, the respondents acknowledged the complainant's request. On April 27, 2012, the complainant renewed his request, which the respondents acknowledged by letter dated April 30, 2012. By letter dated October 12, 2012, the complainant again renewed his request.
4. By letter dated October 19, 2012 and filed with the Freedom of Information Commission (the "Commission") on October 22, 2012, the complainant appealed to the Commission, alleging that the respondents failed to provide the requested records in violation of the Freedom of Information Act. The complainant also requested the imposition of civil penalties on the respondent Benefits Manager and Margo Litz of the Office of the Bridgeport City Attorney.

5. Sections 1-210(a) and 1-212(a), G.S., state, respectively, in relevant parts:

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.

...

Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record.

6. It is concluded that the requested records are “public records” within the meaning of §§1-210(a) and 1-212(a), G.S.

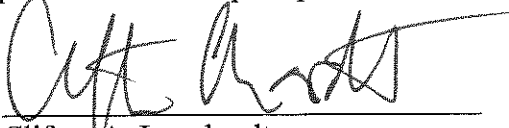
7. It is found that, after the hearing on April 3, 2013, a list with numbers, but not names, was initially provided to the complainant. At the continued hearing on April 29, 2013, the respondents provided the records requested in paragraph 2, above, to the complainant. The continued hearing on April 29, 2013 was almost sixteen months after the request on January 9, 2012.

8. It is concluded that the respondents failed to provide the records “promptly” in violation of §1-212(a), G.S. See Advisory Opinion #51, In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant (Notice of Final Decision dated January 11, 1982).

9. The Commission declines to impose civil penalties herein. However, if the respondent Benefits Manager fails in the future to provide prompt access to non-exempt records, the violation found in this case will be a factor in the Commission’s consideration of the imposition of a civil penalty on the respondent Benefits Manager.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Henceforth, the respondents shall provide non-exempt requested records promptly.



Clifton A. Leonhardt
as Hearing Officer