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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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Richard Saluga,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2012-701

Assessor, Town of Brookfield; and Town of
Brookfield,

Respondent(s)

June 27, 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, July 24, 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 July 12, 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, an **original and fourteen (14) copies** must be filed **ON OR BEFORE July 12, 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 July 12, 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: Richard Saluga
Nathan Zezula, Esq.

6.27.2013/FIC# 2012-701/Trans/wrbp/VRP//CAL

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Richard Saluga,

Complainant

against

Docket #FIC 2012-701

Assessor, Town of Brookfield; and
Town of Brookfield,

Respondents

June 25, 2013

The above-captioned matter was heard as a contested case on June 24, 2013, 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 December 5, 2012, the complainant requested that the respondents permit him to inspect a very comprehensive list of documents pertaining to the assessment of his real property, including field cards, correspondence, spreadsheets, calendars, meeting minutes, policies, the contract with VISION Government Solutions, Inc., and so forth, including payroll records, stipends and expenses of town officials and employees connected with the assessment process.
3. By letter of complaint filed December 17, 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 the records described in paragraph 2, above.

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 (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).

6. It is found that the respondents contracted with Vision Government Solutions (“Vision”) to assist them with the town’s reevaluation process.

7. It is found that Vision made property assessment calculations based on data supplied by the respondents, using proprietary software. The Commission has previously concluded that the software used by Vision to calculate assessments is a trade secret, and therefore permissibly exempt from disclosure, pursuant to §1-210(b)(5)(A), G.S., which provides that disclosure is not required of:

Trade secrets, which for purposes of the Freedom of Information Act, are defined as information, including formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, customer lists, film or television scripts or detailed production budgets that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy

See Docket #FIC 2009-244, Cole v. Office of the Assessor, Town of Sharon.

8. It is found that the respondents, within a month of the complainant’s request, made available to him, on a town computer, approximately 1100 pages of documents, consisting of data used in the assessment process.

9. It is also found that the respondents also provided the complainant with access to all field cards and an appraisal manual from Vision, as soon as those documents were provided to the respondents in February 2013.

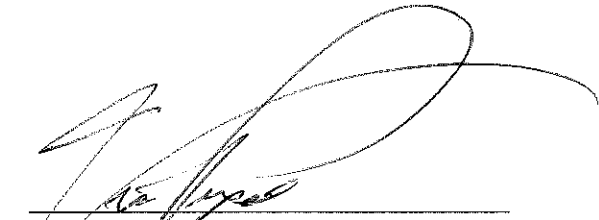
10. It is additionally found that the respondents provided the complainant with access to or copies of meeting minutes, audio recordings of meetings where available, emails, a summary appraisal report, the contract with Vision, the request for proposals that preceded that contract, the file folders of individual board of assessment appeal members, and the salaries and expenses of town officials and employees associated with the assessment process.

11. It is found that the respondents conducted a diligent search for the many records requested by the complainant, and withheld no records from him. It is further concluded that the respondents' provision of access to the records was reasonably prompt under the circumstances.

12. 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.



Victor R. Perpetua
as Hearing Officer