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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.state.ct.us/foi/ · email: foi@po.state.ct.us

David Godbout,
Complainant(s)

against

Parking Authority, City of Hartford; and
City of Hartford,
Respondent(s)

Notice of Rescheduled
Commission Meeting

Docket #FIC 2012-627

August 30, 2013

This will notify you that the Freedom of Information Commission has rescheduled the above-captioned matter, which had been noticed to be heard on Wednesday, August 28, 2013 at 2:00 p.m.

The Commission will consider the case at its meeting to be held at the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, lst floor, Hartford, Connecticut, at **2:00 p.m.** on **Wednesday, September 11, 2013.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: David Godbout
Demar G. Osbourne, Esq.

8/30/13/FIC# 2012-627/ReschedTrans/wrbp/LFS//CAL

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David Godbout,
Complainant(s)

against

Parking Authority, City of Hartford; and City of Hartford,
Respondent(s)

Notice of Rescheduled Commission Meeting

Docket #FIC 2012-627

August 8, 2013

This will notify you that the Freedom of Information Commission has rescheduled the above-captioned matter, which had been noticed to be heard on Wednesday, August 14, 2013 at 2 p.m.

The Commission will consider the case at its meeting to be held at the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, lst floor, Hartford, Connecticut, at **2:00 p.m.** on **Wednesday, August 28, 2013.**

Any brief, memorandum of law or request for additional time, as referenced in the July 18, 2013 Transmittal of Proposed Final Decision, must be received by the Commission on or before August 16, 2013.

By Order of the Freedom of Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: David Godbout
Demar G. Osbourne, Esq.

8/8/13/FIC# 2012-627/ReschedTrans/wrbp/LFS//CAL

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David Godbout,
Complainant(s)
against

Parking Authority, City of Hartford; and City of Hartford,
Respondent(s)

Notice of Meeting

Docket #FIC 2012-627

July 18, 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, lst floor, Hartford, Connecticut, at **2 p.m. on Wednesday, August 14, 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 August 2, 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 August 2, 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 August 2, 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

W. Paradis
Acting Clerk of the Commission

Notice to: David Godbout
Demar G. Osbourne, Esq.

7/18/13/FIC# 2012-627/Trans/wrbp/LFS//CAL

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

David Godbout,

Complainant

against

Citation Hearing Office, Hartford Parking Authority; and Hartford Parking Authority,

Respondents

Report of Hearing Officer

Docket #FIC 2012-627

July 12, 2013

The above-captioned matter was heard as a contested case on June 3, 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 Freedom of Information ("FOI") Commission takes administrative notice of the fact that the Citation Hearing Office is a division of the Hartford Parking Authority, which is a body politic separate from the City of Hartford. The caption to this matter has been amended accordingly.

2. The respondents are public agencies within the meaning of §1-200(1), G.S.

3. By letter filed November 5, 2012, the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by prohibiting him from attending the citation hearings meeting on November 1, 2012.

4. Section 1-200(2), G.S., defines "meeting" as:

> any hearing or other proceeding of a public agency ... to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power...

5. Section 1-225(a), G.S., provides, in relevant part: "The meetings of all public agencies ... shall be open to the public."

6. The respondents do not contest, and it is found, that the citation hearings meeting that the respondents allegedly barred the complainant from attending was a "meeting" within the meaning of §1-200(2), G.S.

7. It is found that the respondents conducted the citation hearings meeting on November 1, 2012 according to their customary practice, which is behind a closed and locked door. It is found that entry to the hearings was by a buzzer controlled by a clerk seated behind a thick plastic panel. It is found that the respondents permitted entry only to the person whose citation was under consideration, and that a large security guard escorted the person through the door, which closed and locked behind them.

8. It is found that the complainant asked the clerk seated behind the plastic panel whether he could attend proceedings other than his own citation hearing. It is found that the clerk refused his request and told the complainant to contact the respondents' corporation counsel to discuss the issue further, if he wished.

9. It is found that when the complainant finally did gain entry to the hearing at the call of his matter, he observed that there was enough space in the meeting room for several people to observe the proceedings.

10. The respondents claim that their closed sessions are justified based on the federal Drivers Privacy Protection Act ("DPPA"), 18 USC 2721, which provides in pertinent part:

> (a) Except as provided in subsection (b), a State department of motor vehicles, and any officer, employee, or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record.
>
> (b) Personal information referred to in subsection (a) … may be disclosed as follows:
>
> (1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions…
>
> (2) For use in connection with matters of motor vehicle or driver safety…
>
> (4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency …

11. It is found that the DPPA applies only to a state department of motor vehicles, and the respondents are not such an agency.

12. It is found, moreover, that the DPPA permits personal information to be disclosed for use by any government agency, for use in connection with matters of motor vehicle or driver safety, or for use in connection with any administrative proceeding in any local agency.

13. It is found that the respondents are a government agency, that the citation hearings concern matters of motor vehicle or driver safety, and that the citation hearings are an administrative proceeding in a local agency, all within the meaning of the DPPA.

14. It is concluded that the DPPA does not support the respondents' closed meeting.

15. Furthermore, it is found that the citation hearings in question – concerning parking violations – do not disclose any personal information other than the driver's name and perhaps type of motor vehicle.

16. It is concluded that the respondents violated §1-225(a), G.S., as alleged.

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

1. Forthwith, the respondents shall comply with the open meeting requirements of §1-225(a), G.S.

2. Henceforth, the respondents shall also comply with the notice and minutes of meetings requirements set forth in §1-225, G.S.

3. The respondents are strongly urged to contact the Public Education Office of the Commission to arrange for help in providing access to the citation hearings consistent with the requirements of the FOI Act.

Lisa Fein Siegel
as Hearing Officer