



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

Gino Legaz,
Complainant(s)
against

Notice of Meeting
Docket #FIC 2013-687

Director, Parks and Recreation Department,
Town of Wilton; Parks and Recreation
Department, Town of Wilton; and Town of
Wilton,

Respondent(s) June 19, 2014

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 9, 2014**. 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 June 27, 2014**. 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 June 27, 2014**. **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 June 27, 2014**, 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 Paradis
Acting Clerk of the Commission

Notice to: Gino Legaz
Patricia C. Sullivan, Esq.

2014-06-19/FIC# 2013-687/Trans/wrbp/LFS//TAH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Gino Legaz,

Complainant

against

Docket #FIC 2013-687

Director, Parks and Recreation
Department, Town of Wilton; Parks and
Recreation Department, Town of Wilton;
and Town of Wilton,

Respondents

June 19, 2014

The above-captioned matter was heard as a contested case on May 22, 2014, 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 on October 1, 2013, the complainant requested a copy of the following records pertaining to the Wilton Baseball and Softball Association, the Wilton Soccer Association, and the Wilton Youth Football Association:
 - a. All invoices/bills sent for use of lights on Town owned athletic facilities;
 - b. Copies of receipt of payment to the Town of Wilton; and
 - c. Copies of the above items for the years 2011, 2012, and 2013 (year to date).
3. It is found that the respondents acknowledged receipt of the complainant's request on October 2, 2013.
4. It is found that on October 16, 2013, the director of the respondent Parks and Recreation Department told the complainant that he had gathered the information but that it had to be reviewed by the First Selectman before disclosure.
5. It is found that on October 21, 2013, the director informed the complainant that the First Selectman had reviewed the records, but they now needed to be reviewed by the Human Resources director.

6. It is found that on October 25, 2013, the complainant received a call from town counsel, who asked the complainant why he requested the records.

7. It is found that on October 29, 2013, the director informed the complainant that he couldn't promise that the records would be ready for disclosure by the end of the week.

8. By letter filed November 1, 2013, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to promptly provide him with the records he requested.

9. 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, ... whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

10. Section 1-210(a), G.S., provides, in relevant part:

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, ... or (3) receive a copy of such records in accordance with section 1-212.

11. Section 1-212(a), G.S., provides in relevant part: "Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

12. It is concluded that the records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

13. It is found that in a letter dated November 1, 2013, the director sent the complainant five invoices for lighting use of the town fields. It is found that each invoice billed for a yearly total of lighting usage.

14. It is found that such records are responsive to the complainant's request, but did not include invoices for the use of the fields by the baseball association and the soccer association for 2011; the soccer association for 2012; and the football association for 2013. It is also found that none of the records indicated receipt of payment by the Town of Wilton.

15. It is found, however, that the respondent Parks and Recreation Department provided all the records it maintains that are responsive to the complainant's request.

16. It is found that the respondents failed to provide copies of their records in a prompt manner.

17. It is concluded, therefore, that the respondents violated §§1-210(a) and 1-212(a), G.S.

18. It is found that the respondents eventually tried to provide the information the complainant sought, even though such information may have been contained in records maintained by another department.

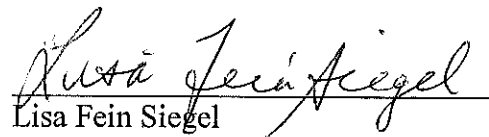
19. It is found that on January 7, 2014, the director of the association provided records maintained by the finance department that pertained to the complainant's request for copies indicating payment of invoices. It is found that such records consist of bank deposit slips, receipts into the town's general fund, receipt vouchers, and some copies of deposited checks.

20. It is found that none of the amounts appear to match the invoices provided by the respondents; the finance department records appear to reflect incremental payments, while the invoices were bills for yearly totals. It is also found that none of the records indicate whether the payments were made by any of the associations for which the complainant requested records, and included many records for time periods outside the complainant's request.

21. The Commission observes that the public would benefit if records of invoices and receipts were maintained in a coherent and easily accessible system. It is found that such appeared not to be the case in this instance.

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 strictly comply with the promptness requirements of §§1-210(a) and 1-212(a), G.S.


Lisa Fein Siegel
as Hearing Officer