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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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Seth Wolfe,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-043

Chairman, Police Commission, Town of Clinton;
Police Commission, Town of Clinton; and Town
of Clinton,

Respondent(s)

October 28, 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, November 19, 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 November 7, 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 November 7, 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 November 7, 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

W. Paradis
Acting Clerk of the Commission

Notice to: Seth Wolfe
John S. Bennet, Esq.

2014-10-28/FIC# 2014-043/Trans/wrbp/VRP//GFD

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Seth Wolfe,

Complainant

against

Docket #FIC 2014-043

Chairman, Police Commission,
Town of Clinton; Police
Commission, Town of Clinton;
and Town of Clinton,

Respondents

October 28, 2014

The above-captioned matter was heard as a contested case on August 18, 2014, at which time the complainants and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The case was consolidated for hearing with Docket #FIC 2014-278, Seth Wolfe v. Chief, Police Department, Town of Clinton et al.

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. By letter of complaint filed January 12, 2014, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide copies of public records concerning alleged harassment of the complainant by the Clinton Police Department.
3. It is found that the complainant made a request to the respondent Chairman on January 7, 2014 for copies of:

All emails by Edward O'Connor to ANY member of the Clinton Police Department, First Selectman of Clinton, Connecticut, William Fritz, Kimberly Ann Neri-Simoncini, Philip C. Sengle, Peggy A. Adler and Louis H. Russo.

Emails should be from 01/02/2014 to 01/07/2014, information should include Clinton police fraud, larceny,

obstruction of justice, falsifying evidence and harassment. Also to be included is any information regarding Seth Wolfe and the filing of complaints regarding these issues and the commission's part in this matter.

Records of ALL phone calls by Edward O'Connor on any phone available to him during 01/02/2014 to 01/07/2014 to ANY member of the Clinton police department (both at the department or cell phones), First Selectman William Fritz, Kimberly Ann Neri-Simoncini, Philip C. Sengle, Peggy A. Adler and Louis H. Russo. Phone calls should include any work, home, or cell phones as the Clinton, CT Board of Police Commissioners has no direct through the town system. Phone calls should be from 01/02/2014 to 01/07/2014.

4. It is found that the respondents on February 11, 2014 provided copies of certain emails by Edward O'Connor to the individuals named by the complainant.

5. It is found that the emails provided to the complainant acknowledge the fact of the complainant's request, and the complainant's underlying allegation that the Town of Clinton had conducted a biased and prejudicial investigation of the complainant's complaint to the Police Commission.

6. 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.

7. 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, (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.

8. 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."

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

10. The complainant maintains that additional responsive records exist.

11. It is found that the complainant believes that he is being harassed by the Clinton Police Department.

12. It is found that the complainant has an ongoing personal dispute with an officer in the Clinton Police Department, who is currently married to the mother of the complainant's child.

12. It is found that the complainant brought a complaint to the respondent Police Commission and its chairman, alleging among other things, falsification of time cards, and that the respondents declined to take any action.

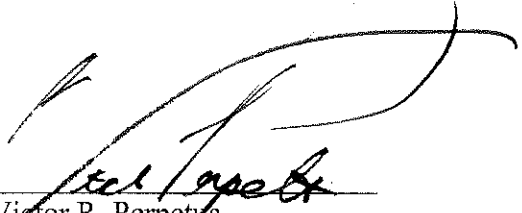
13. It is found that the records sought by the complainant would be records of an investigation that did not in fact occur.

14. It is found that there is no reason to believe that additional records exist. Further, it is found that the respondents provided all records responsive to the complainant's request.

15. It is concluded that the respondents did not violate the FOI Act as alleged.

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

1. The complaint is dismissed.



Victor R. Perpetua
As Hearing Officer