



# 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 2014-278

Chief, Police Department, Town of Clinton;  
Police Department, 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# 2014-278/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 2014-278

Chief, Police Department,  
Town of Clinton; Police  
Department, 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 2014-043, Seth Wolfe v. Chairman, Police Commission, 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 May 8, 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 alleged to be necessary for the complainant's lawsuit.
3. It is found that the complainant made a request to the respondent Chief on April 28, 2014 for copies of:

ALL prisoner transports conducted by officer DePietro in August of 2010. Dates must include August 8, 2010. Document must include where prisoner was transported to, the time of day and the person who signed for the prisoner. With their name clearly visible. Document must include the name of prisoner transported as well.

ALL related documents to document transport conducted by officer DePietro on August 2, 2010. Document must clearly show where officer DePietro delivered them to, who signed for them with their name clearly visible and what time they were delivered.

Timecards for officer DePietro for the entire month of August 2010

Timecards for officer Sepega for the entire month of August 2010.

Timecards for officer Lucas for the entire month of August 2010.

Timecards for officer Lawrie for the entire month of August 2010.

Minutes and topics discussed at board of police commissioners meeting conducted in January 2011, topics must include pay increases for Todd Lawrie as well as Thomas Lucas. As the commission has no direct contact number other than the Clinton police department. This will serve as their request for this information.

Original report conducted by officer Sepega on April 9, 2013 regarding Seth Wolfe. Must be original, not the version officer Sepega altered on April 10, 2013 at 10:00 a.m.

ALL emails and phone records to and by ANY member of the Clinton police department and town officials including William Fritz in regards to Seth Wolfe on April 9-10, 2013. Documents must include both to and from emails and complete email conversations.

4. It is found that the respondents on May 23, 2014 provided copies all records in their custody that were responsive to the complainant's request.

5. 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.

6. 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.

7. 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."

8. 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.

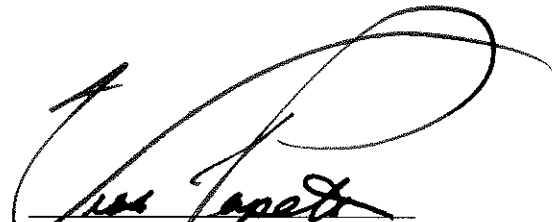
10. The complainant maintains that additional responsive records exist.

11. It is found that 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.

12. 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