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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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Paul Littlefield,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-218

Harriet Polansky, Executive Director,
Housing Authority, Town of Trumbull; and
Housing Authority, Town of Trumbull,
Respondent(s)

January 2, 2015

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, January 28, 2015**. 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 January 14, 2015**. 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 January 14, 2015**. **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 January 14, 2015**, 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: Paul Littlefield
Darin Callahan, Esq.

2015-01-02/FIC# 2014-218/Trans/wrbp/VRP//KKR

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Paul Littlefield,

Complainant,

against

Docket #FIC 2014-218

Harriet Polansky, Executive Director,
Housing Authority, Town of Trumbull; and
Housing Authority, Town of Trumbull,

Respondents

December 30, 2014

The above-captioned matter was heard as a contested case on October 15, 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. By letter of complaint filed April 14, 2014, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his March 21, 2014 request for copies of records pertaining to hiring "a program management services provider for the rehabilitation and renovation of Stern Village and Stern Center." The complainant requested the imposition of a civil penalty.
3. It is found that the complainant made a Friday, March 21, 2014 request to the respondents to view, before a Monday March 24, 2014 meeting of the respondent Trumbull Housing Authority:

... any and all materials and/or documents, including but not limited to the Statement of Need and scope of the project(s); engineering/architectural plans; the names of management services providers who bid, the date and the publications in which the RFP(s) were placed, the identity of the selected bidder; the projected costs of the rehabilitation and renovation; assessments of need; CHFA documentation and approval; source(s) of funding, including the spending down of the Allocated Reserve Funds; the statement of ranking of priorities given by the Capital Fund Analysis (2013) to rehabilitation and

renovation of Stern Village and Stern Center; the identity of the Professional Engineer, required by state regulation, and manner in which the PE was selected.

4. It is found that the complainant repeated his request, with minor variations, on March 24, 2014.

5. It is found that the respondent Polansky never received the March 21, 2014 email, because it was sent to an address that she does not use.

6. It is found that the respondent Polansky by email dated March 26, 2014 informed the complainant that she had assembled about 160 pages of records for his inspection, and that these were all the records the respondents had that were responsive to his request. Although the respondent indicated in this email that the complainant would not be permitted to photograph the records, or take notes concerning them, the note-taking restriction was expressly lifted the following day, and there was no evidence that the complainant wished to take photographs of the records, or was prevented from doing so. The Commission in its discretion therefore declines to address the photography limitation further, other than to direct the parties' attention to §1-210(a)(2), G.S., cited below.

7. It is found that the complainant inspected the records that were assembled for him, and had copies made of the records he wished copied.

8. 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.

9. 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).

10. 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."

11. It is found that the records assembled for and inspected by the complainant are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

12. The complainant maintains that not all the requested records were provided to him.

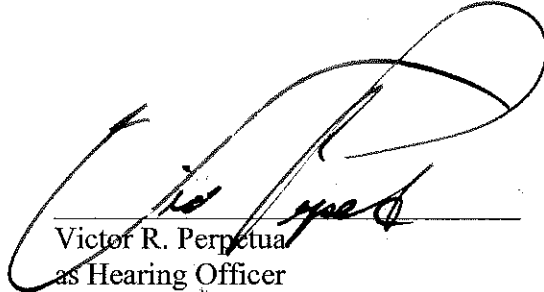
13. It is found that the respondent Polansky conducted a diligent seven-hour search for records responsive to the complainant's request, including a search of the respondents' computer system, and provided all responsive records in the custody of the respondents. While the complainant had reason to believe that additional records might exist, based upon his reading of certain statutory requirements, upon statements made by the respondents at the time, and upon his assumption that certain email communications would have occurred, it is found that no further documents exist.

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

15. In light of the conclusion reached in paragraph 14, above, no civil penalty shall be considered.

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