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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

Umar Shahid,
Complainant(s)
against

Chief Public Defender, State of Connecticut, Office of the Public Defender; and State of Connecticut, Office of the Public Defender,
Respondent(s)

Notice of Meeting

Docket #FIC 2014-294

February 18, 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, lst floor, Hartford, Connecticut, at **2 p.m. on Wednesday, March 11, 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 February 27, 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 February 27, 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 February 27, 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: Umar Shahid
Edward Wilson, Jr., Esq.
cc: Craig Washington

2015-02-18/FIC# 2014-294/Trans/wrbp/LFS//VDH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by — Report of Hearing Officer

Umar Shahid,

Complainant

against — Docket #FIC 2014-294

Chief Public Defender, State of Connecticut, Office of the Public Defender; and State of Connecticut, Office of the Public Defender,

Respondents — February 13, 2015

The above-captioned matter was heard as a contested case on January 13, 2015, at which time the complainant and respondents appeared and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOIC et al, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

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., with respect to their administrative functions.

2. It is found that on April 15, 2014, the complainant requested copies of:

   a. Names of standing committee members;

   b. Complaint policy and appeal process;

   c. Name of the "contract compliance officer;"

   d. Administrative complaint process, procedure and appeal process;

   e. List of all complaints filed by the complainant and "their responses;" and

   f. Files maintained by the respondents on three criminal matters of the complainant.

3. By letter of complaint filed May 13, 2014, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with copies of the records he requested.

4. Section 1-200(5), G.S., defines "public records" as follows:

> 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.

5. 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 ... receive a copy of such records in accordance with the provisions of section 1-212.

6. 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."

7. 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.

8. It is found that in the respondents did not receive the complainant's request until May 13, 2014.

9. It is found that on May 15, 2014, the respondents sent the complainant a letter of acknowledgement.

10. With respect to the request described in paragraph 2.a, b., c., and d., above, it is found that on June 2, 2014, the respondents sent a letter and copies of responsive records to the complainant.

11. It is found that the respondents do not maintain records responsive to the complainant's request described in paragraph 2.e., and f., above.

12. It is concluded that the respondents did not violate the FOI Act, as alleged in the complaint.

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.

Lisa Fein Siegel
as Hearing Officer

FIC2014-294/HOR/LFS/021315