

Since 1975



# 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

Joseph Sastre,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2014-291

Chief Audit and Compliance Officer, State of Connecticut,  
University of Connecticut, Office of Audit, Compliance and  
Ethics; and State of Connecticut, University of  
Connecticut, Office of Audit, Compliance and Ethics,  
Respondent(s)

February 27, 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, March 25, 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 March 13, 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 March 13, 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 March 13, 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: Joseph Sastre  
Holly J. Bray, Assistant Attorney General

2015-02-27/FIC# 2014-291/Trans/wrbp/VRP//LFS

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Joseph Sastre,

Complainant,

against

Docket #FIC 2014-291

Chief Audit and Compliance Officer,  
State of Connecticut, University of  
Connecticut, Office of Audit, Compliance  
and Ethics; and State of Connecticut,  
University of Connecticut, Office of  
Audit, Compliance and Ethics,

Respondents

February 25, 2015

The above-captioned matter was heard as a contested case on December 9, 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 May 12, 2014, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his October 2, 2013 request for copies of records on April 29, 2014. The complainant requested the imposition of a civil penalty.
3. It is found that the complainant made an October 2, 2013 request to the respondents for a copy of an audio recording of an appeal meeting he attended at the University of Connecticut ("UConn") Police Department that day; and also a copy of the minutes and records of attendance of the "Employees of Concern" meeting held at UConn on July 19, 2013.
4. It is found that the respondents acknowledged the request on October 7, 2013.
5. It is found that the respondents notified the complainant on October 29, 2013 that the requested audio recording had been erased following the October 2, 2013 hearing.

6. It is found that the respondents further notified the complainant on April 29, 2014 that there were records responsive to his request, and provided a copy of an email advising the complainant's client that the "no trespass" letter issued to the client had been lifted, and a copy of a memorandum summarizing the October 2, 2013 hearing.

7. It is found that the April 29, 2014 communication was a denial of the complainant's request for a copy of the audio recording and the "Employees of Concern" minutes.

8. It is found that the October 2, 2013 hearing was an appeal of a "no trespass letter" issued to a client of the complainant, prohibiting the client from entering the UConn campus, and that the hearing was conducted by an officer of the UConn Police Department.

9. It is found that, at the time of the October 2, 2013 hearing, the issuance of "no trespass letters" was a new policy, and that the October 2, 2013 hearing was the first appeal from the issuance of a "no trespass letter."

10. It is found that the UConn police officer conducting the hearing purchased a digital audio recorder for the purpose of recording the hearing.

11. It is found that, following the complainant's hearing and the next hearing that followed, the police officer decided that it was not necessary to record hearings of appeals from "no trespass letters," disposed of the recorder by giving it to another police department unit, and deleted the two recordings before he learned that he had a duty to retain such recordings.

12. It is found that the recording was deleted before the request for the recording reached the police officer who conducted the hearing.

13. It is found that, concerning the complainant's request for records of the "Employees of Concern" meeting, that neither the respondents nor the UConn Human Resources Department (within which the "Employees of Concern" team operates) maintain such records.

14. It is further found that the "Employees of Concern" team did not keep minutes of its meetings.

15. 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.

16. 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).

17. 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."

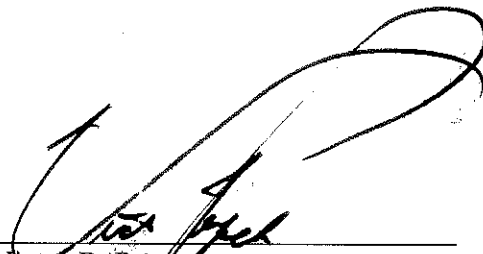
18. It is found that the neither of the requested records exists.

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

20. The Commission in its discretion declines to express an opinion as to whether the "Employees of Concern" meeting was a public meeting within the meaning of the FOI Act, or whether it was required to keep minutes of its meetings, as the entity that conducted that meeting is not a party to this 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.



Victor R. Perpetua  
as Hearing Officer