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FREEDOM OF INFORMATION

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Umar Shahid,
Complainant(s)
against

City Mayor, City of Norwich; and City of Norwich,
Respondent(s)

Notice of Meeting

Docket #FIC 2014-299

March 13, 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, April 8, 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 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 March 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 March 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

W. Paradis
Acting Clerk of the Commission

Notice to: Umar Shahid
Kimberly C. McGee, Esq.
cc: Craig Washington

2015-03-13/FIC# 2014-299/Trans/wrbp/PSP//VDH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

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

Umar Shahid,

Complainant | Docket # FIC 2014-299

against

City Manager, City of Norwich; and
City of Norwich,

Respondents | March 13, 2015

The above-captioned matter was heard as a contested case on January 29, 2015, at which time the complainant and respondents appeared, stipulated to certain facts 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.). The case caption has been amended to reflect the correct respondents.

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. It is found that on or about April 15, 2014, the complainant made a written request to the respondents for copies of the following records:

> [a] administrative complaint process, policy and procedure – and appeal process [;]
>
> [b] policy code of ethics/conduct of employees [;]
>
> [c] human resource complaint process, procedure and policy – and appeal process[;]
>
> [d] contents of policy manual of City Manager's Office [;]

[e] name of all contractors [;]

[f] contractual agreement [with] Norwich Police Department [; and]

[g] name of contract compliance officer.

3. By letter of complaint received and filed May 13, 2014, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with copies of the records, described in paragraph 2, above.

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

> 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.

5. 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 . . . (3) receive a copy of such records in accordance with section 1-212.

6. Section 1-212(a), G.S., provides in relevant part that "[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

7. It is found that the complainant was not incarcerated at the time of his April 15th request, described in paragraph 2, above, and was living in New Haven, CT.

8. It is found that, by letter dated May 13, 2014, the respondents acknowledged the complainant's April 15th request and provided him with records responsive to his requests described in paragraphs 2[b] and 2[e], above. It is found that the respondents provided the complainant with copies of the City of Norwich Code of Ethics and a 141-page list of contractors for the City, free of charge. It is also found that the respondents informed the complainant that no documents existed that were responsive to his requests described in paragraphs 2[a], 2[c], 2[d] and 2[f], above. With respect to complainant's request described in paragraph 2[g], above, the respondents informed the complainant that no such position existed, and that the City of Norwich Corporation Counsel reviews all city contracts. It is further found that the respondents sent such records via regular mail to the complainant's New Haven address.

9. It is found that, by letter dated July 21, 2014, the respondents provided the complainant with a second set of copies of the records that they had previously mailed to him on or about May 13, 2014, as described in paragraph 8, above. It is found that the respondents sent such records via certified mail, return receipt requested, to the complainant's New Haven address, and received a green card, signed by the complainant acknowledging that he had received such records. It is found that the green card indicates that the records were signed for on August 9, 2014.

10. It is found that the respondents provided the complainant with all records that are responsive to his April 15th request.

11. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., as alleged by the complainant.

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

1. The complaint is hereby dismissed.

Paula S. Pearlman
as Hearing Officer

FIC/2014-299/HOR/PSP/03152015