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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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Umar Shahid,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2014-862

Commissioner, State of Connecticut, Department of  
Correction; and State of Connecticut, Department of  
Correction,

Respondent(s)

August 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, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, September 9, 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 August 28, 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 August 28, 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 **fifteen (15) copies** be filed **ON OR BEFORE August 28, 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  
James Neil, Esq.  
cc: Craig Washington

2015-08-13/FIC# 2014-862/Trans/wrbp/VRP/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 2014-862

Commissioner, State of Connecticut,  
Department of Correction; and State of  
Connecticut, Department of Correction,

Respondents

August 12, 2015

The above-captioned matter was heard as a contested case on June 1, 2015, at which time the complainant and respondents appeared and presented testimony, exhibits and argument on the complaint. This case was consolidated for hearing with Docket #FIC 2014-881, Umar Shaid v. Commissioner, State of Connecticut, Department of Correction et al. 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.
2. By letter of complaint filed November 25, 2014, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his October 29, 2014 request for certain records.
3. It is found that the complainant made an October 29, 2014 request to "Cybulski Parole Officer Lopez" for:
  - a. his complete parole file located at the New Haven parole office;
  - b. The full names of all legal/professional visitors (privileged visitors also) who came to NHCC on 10/21/14, 10/24/14 and 10/28/14;
  - c. Urine analysis procedure/protocol for Quest Diagnostic Lab testing for Umar Shahid by New Haven parole office;
  - d. Urine analysis cover sheet for testing by Quest Diagnostic Lab testing for Umar Shahid by New Haven parole office; and
  - e. The name of New Haven parole grievance coordinator;

- f. The time sheet from original three year sentence served before special parole; and
- g. The date special parole stated and EOS date.

The complainant also asserted in his request that he was indigent, and requested a fee waiver.

4. It is found that Officer Lopez, to whom the request was made, is a recently retired Board of Pardons and Paroles officer and liaison to the facility where the complainant is incarcerated.

5. The Commission takes administrative notice of the fact that the Board of Pardons and Paroles is an autonomous state agency with administrative support provided by the Department of Correction.

6. It is found that the respondents first became aware of the complainant's request when they received a Notice of Hearing and Order to Show Cause from this Commission.

7. 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.

8. 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.

9. 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."

10. It is concluded that the records requested by the complainant, to the extent they exist, are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

11. It is found that the Board of Pardons and Paroles, and not the respondents, would have any records responsive to paragraphs 3.a, 3.d, and 3.e, above.

12. It is found that the respondents sought clarification from the complainant as to paragraph 3.b, above, but the complainant declined to provide it.

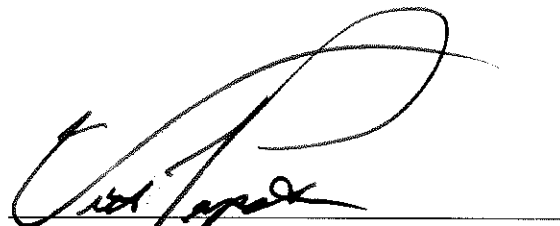
13. It is found that the respondents provided the complainant with an opportunity to inspect records responsive to paragraphs 3.c, 3.f, and 3.g., and that the complainant carefully reviewed those records, but that the complainant declined to sign for the records and therefore was not given copies.

14. It is concluded that the respondents reasonably attempted to satisfy a request for records that was in fact not addressed to them, but to a since retired employee of the Board of Pardons and Paroles.

15. It is concluded, therefore, that the respondents did not violate the FOI Act with respect to the complainant's request.

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.



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Victor R. Perpetua  
as Hearing Officer