

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Raymond Reynolds,

Complainant

against

Docket #FIC 2016-0888

Chief, Police Department, City of
Shelton; Police Department, City of
Shelton; and City of Shelton,

Respondents

October 11, 2017

The above-captioned matter was heard as a contested case on May 5 and September 19, 2017, at which times the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. This case was consolidated for hearing with Docket #FIC 2016-0885, Douglas Steeves v. Chief, Police Department, City of Shelton et al.

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 received December 28, 2016 and postmarked December 27, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his November 4, 2016 request for certain public records.

3. Section 1-206(b)(1), G.S., provides in relevant part:

Any person denied the right to inspect or copy records under section 1-210 ... may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed not later than thirty days after such denial For purposes of this subsection, such notice of appeal shall be deemed to be filed on the date it is received by said commission or on the date it is postmarked, if received more than thirty days after the date of the denial from which such appeal is taken. (Emphasis added).

4. It is found that the complainant’s request was denied on November 8, 2016.

5. It is found that the complainant's appeal was filed December 27, 2016.

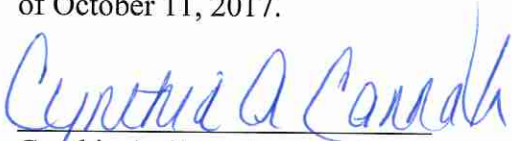
6. It is therefore found that the complainant filed his complaint later than thirty days after the respondents' November 8, 2016 denial of his November 4, 2016 request.

7. It is concluded that the Commission lacks subject matter jurisdiction over the complaint pursuant to §1-210(b)(1), G.S.

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.
2. Should the complainant file a subsequent complaint regarding the same records, the Commission will grant such complaint priority status.

Approved by Order of the Freedom of Information Commission at its regular meeting of October 11, 2017.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

RAYMOND REYNOLDS, 19 Treeland Road, Shelton, CT 06484

CHIEF, POLICE DEPARTMENT, CITY OF SHELTON; POLICE DEPARTMENT, CITY OF SHELTON; AND CITY OF SHELTON, c/o Attorney Ramon S. Sous, Law Offices of Ramon S. Sous, 159 Main Street, Seymour, CT 06483



Cynthia A. Cannata
Acting Clerk of the Commission