

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Carole Donagher,

Complainant

Docket # FIC 2017-0282

against

Animal Control Officer,  
City of Hartford; and  
City of Hartford,

Respondents

October 11, 2017

The above-captioned matter was heard as a contested case on July 25, 2017, at which time the complainant and respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

On July 27, 2017, the complainant submitted, via email, additional information to the hearing officer for consideration. The respondents did not file an objection. Such email has been marked as Complainant's Exhibit 1: Email, dated July 27, 2017, from the complainant to the hearing officer (cc'd to the 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 by email, dated April 24, 2017, the complainant requested from the respondents copies of the monthly reports that the City of Hartford was required by law to submit to the State Department of Agriculture ("DOA") concerning the City's animal control activities. The complainant sought the reports for the months of July 1, 2015 through the most recent completed month in 2017 (*i.e.*, March 2017).
3. It is found that in May 2017, prior to the filing of the complaint in this matter, the complainant contacted the respondents several times, via email and telephone, inquiring as to the status of her April 24, 2017 request.
4. By email, dated May 22, 2017, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with her April 24, 2017 request, described in paragraph 2, above.

5. 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.

6. 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.

7. 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.”

8. It is found 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.

9. At the hearing, the respondents testified that the only responsive records in their possession at the time of the complainant’s request were nine pages of an August 2016 monthly report, copies of which they had already provided to the complainant in response to an earlier request for similar records. The respondents testified that the monthly reports were handwritten and submitted to the DOA, without the respondents maintaining copies for themselves. In addition, they testified that they planned to create a new document for the complainant containing the information that she sought in her April 24<sup>th</sup> request.

10. It is found that, prior to the hearing in this matter, the respondents suggested to the complainant, that she contact the DOA and request copies of the monthly reports that she sought in her April 24<sup>th</sup> request. It is found that the complainant contacted the DOA and obtained the requested monthly reports, except for copies of the reports for June 2016 and November 2016, of which the DOA did not have copies.

11. It is found that, at the time of the complainant’s request, the respondents did not have any records responsive to such request, except for the nine pages of the August 2016 monthly report.

12. It is concluded under the facts and circumstances of this case 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.
2. Although the Commission dismissed the complaint in this matter, it is troubled by the respondents' failure to keep and maintain copies of the monthly reports at issue herein and urges the respondents to review their practices and procedures in this regard.

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



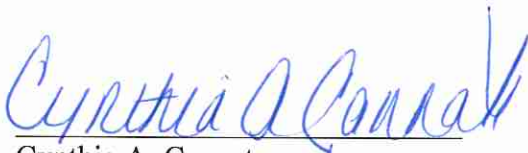
Cynthia A. Cannata  
Acting Clerk of the Commission

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:

**CAROLE DONAGHER**, 158 Mountain Road, Farmington, CT 06032

**ANIMAL CONTROL OFFICER, CITY OF HARTFORD; AND CITY OF HARTFORD**, c/o Attorney Cynthia Lauture, Office of the Corporation Counsel, 550 Main Street, Hartford, CT 06103



Cynthia A. Cannata  
Acting Clerk of the Commission