FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

Chad Petitpas,

Complainant

against Docket #FIC 2017-0229

Chief, Police Department, Town of Cheshire; and Police Department, Town of Cheshire,

Respondents February 28, 2018

The above-captioned matter was heard as a contested case on January 3, 2018, at which time the complainant and the 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.).

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 April 28, 2017, the complainant appealed to the Commission, alleging that the respondents failed to comply with his April 16, 2017 request for public records.

3. It is found that the complainant made an April 16, 2017 request to the respondents for the names and titles of everyone present for a certain meeting in May of 2012 held at the Cheshire Police Department.

4. It is found that, in May of 2012, the complainant was transported from Cheshire Correctional Institution to the Cheshire Police Department for a meeting with representatives from what the complainant understood to be the Department of Correction's Security Division, the Statewide Narcotics Task Force, and the U.S. Attorney's Office.

5. The complainant contended that an individual at the meeting impersonated a U.S. Attorney, thereby committing a crime. For this reason, the complainant seeks the names of all individuals present at the meeting.

6. It is found that the respondents played no role in the May 2012 meeting, other than to provide a secure location that was close to the complainant's place of incarceration.

7. It is found that the respondents replied to the complainant on April 21, 2017, asserting that they were not involved in the meeting, had no documents responsive to his request, and suggesting that he direct his request to the agencies that were actually present at the meeting.

8. 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.

9. 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 (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.

10. 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."

11. It is found that the respondents maintain no records of the names of the individuals who were present at the May 2012 meeting.

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

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 28, 2018.

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:

CHAD PETITPAS, #251989, Brooklyn Correctional Institution, 59 Hartford Road, Brooklyn, CT 06234

CHIEF, POLICE DEPARTMENT, TOWN OF CHESHIRE; AND POLICE DEPARTMENT, TOWN OF CHESHIRE, c/o Attorney Michael C. Harrington, Murtha Cullina LLP, CityPlace 1, 185 Asylum Street, 29th Floor, Hartford, CT 06103

Cynthia A. Cannata
Acting Clerk of the Commission

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