

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ian Wright,

Complainant

against

Docket #FIC 2018-0626

Martyn Philpot, Jr., Chairperson,
State of Connecticut, State Marshal
Commission; and State of Connecticut,
State Marshal Commission,

Respondents

August 28, 2019

The above-captioned matter was heard as a contested case on July 18, 2019, 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.).

At the hearing, the complainant requested that the hearing be continued until he had an opportunity to speak with his ombudsman. The ombudsman was not available at that time, and the request was denied. The complainant also objected to the introduction of documentary evidence, and generally objected to the hearing going forward on the grounds that his inability to communicate with his ombudsman prior to the hearing constituted a violation of his due process rights. Those objections were overruled.

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 5, 2018, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for certain public records.
3. It is found that the complainant made an October 8, 2018 request to the respondents for, among other documents no longer at issue:
 - a. Any and all documents including emails or correspondence between the State Marshal Commission and marshal Hong Douglas concerning Administrative Bulletin 16-02, from 2015 through 2018;

b. Any and all documents including emails or correspondence between the State Marshal Commission and marshal Hong Douglas concerning Administrative Bulletin 08-07, from 2008 through 2018; and

c. A copy of the State Marshal Commission Manual which was published and/or in effect on or around 2008 through 2010.

4. It is found that the respondents provided the complainant with an email responsive to the portion of the request described in paragraph 3.a, above.

5. It is also found that the respondents offered the respondent a printed copy of the requested 2008 State Marshal Commission Manual upon payment for 293 pages at a cost of \$0.25 per page.

6. 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.

7. 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.

8. 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.”

9. It is found that the documents provided or offered to the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

10. It is found that there are no other public records responsive to the complainant's request.

11. It is found that the complainant did not tender payment for the State Marshal Manual.

12. It is found that the complainant did not ask that the copying fees be waived in his October 2018 request, or allege that the respondents had denied a request for a fee waiver in his November complaint.¹

13. 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 August 28, 2019.



Cynthia A. Cannata
Acting Clerk of the Commission

¹ At the hearing, the hearing officer suggested to the complainant that he make a new request to the respondents for a free copy of the manual. The complainant objected to this suggestion. The hearing officer also suggested to the respondents that they could, entirely at their own discretion, provide a free copy to the complainant, which, at least as of the time of the hearing, they appeared willing to do.

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:

IAN WRIGHT, #286236, Corrigan-Radgowski Correctional Center, 986 Norwich-New London Turnpike, Uncasville, CT 06582

MARTYN PHILPOT, JR., CHAIRPERSON, STATE OF CONNECTICUT, STATE MARSHALL COMMISSION; AND STATE OF CONNECTICUT, STATE MARSHALL COMMISSION, c/o Attorney Michael Barrera, 450 Columbus Boulevard, Suite 1501, Hartford, CT 06103



Cynthia A. Cannata
Acting Clerk of the Commission