

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Ethan Book,

Complainant

against

Docket #FIC 2018-0401

Mayor, City of Bridgeport,
and City of Bridgeport,

Respondents

May 8, 2019

The above-captioned matter was heard as a contested case on November 13, 2018, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

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 letter dated June 20, 2018, the complainant requested that the respondents provide him with copies of the following records:

Related to my requests of November 18, 2017 and January 25, 2018, and concerning bundled tax liens sold or assigned in 2006, 2016 and 2017, please provide me with the following:

- a. Such documentation which evidences the authority for sale/assignment of each bundled lien;
- b. The public notice for inviting bids on those groups of liens;
- c. Lists of those bidders who submitted bids, with names, owners, addresses and amounts bid by each;

- d. Invoices/records of the actual prices by which the bundled liens were sold;
- e. The citings of the volumes and pages of the City land records which reflect such sales/assignments; and
- f. Documentation which indicates the owners of Benchmark Municipal Tax Service, Ltd. and American Tax Funding, LLC.

3. It is found that, by letter dated June 26, 2018, the complainant requested that the respondents also provide him with copies of the following records:

- a. Documentation which evidences the authorizations/concurrences for the bundled tax liens sold in 2006, 2016 and 2017 of the Mayor, Director of Finance, the City Attorney and the Tax Collector.

4. By letter dated June 9, 2018 and filed June 10, 2018, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with all of the requested records.

5. 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.

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, (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.

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 requested records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

9. At the start of the contested case hearing, the complainant testified that he had received the records responsive to requests 2.a, 2.c, and 2.d, above. Accordingly, these requests are no longer at issue in this case.

10. The complainant further testified that, with respect to the request set forth in paragraph 2.b, above, he did not receive all of the requested public notice records; with regard to the request set forth in paragraph 2.e, he did not receive the requested citations concerning the city’s land records; with regard to the request set forth in paragraph 2.f, he did not receive the requested documentation indicating the ownership of the identified private companies; and, with regard to the request set forth in paragraph 3.a, above, while the complainant did receive the requested documentation from 2017, he did not receive similar documentation that he requested for 2006 and 2016.

11. Dina Scalo, counsel for the respondents, appeared and testified at the contested case hearing.

12. With regard to the request set forth in paragraph 2.b, above, it is found that it is the respondent city’s practice to forward a FOI request to all departments that might maintain responsive records. Utilizing this process, it is found the respondents were able to locate “the public notice for inviting bids” on liens for 2016 and 2017, but did not locate such notice for 2006. It is found that the respondents conducted a thorough search through the files maintained in the Mayor’s office for the 2006 public notice records, however, they did not locate any such records. It is found that the respondents do not maintain any additional records responsive to the request set forth in paragraph 2.b, above.

13. With regard to the request set forth in paragraph 2.e, above, it is found that the respondents do not maintain any of the city’s land records. It is found, however, that the respondents informed the complainant that the City Clerk does maintain these records and that he could visit the Office of the City Clerk and conduct a manual search for these records. In response, the complainant indicated that the respondents should have to get these records for him from the City Clerk. However, the respondents are not legally bound to go to another public agency and collect that agency’s public records in order fulfill a FOI request delivered to them. See Lash, et al. v. FOIC, et al., 300 Conn. 511, 521 n.7 (2011) (affirming appellate court’s determination that one public agency has no duty to make available the records of another public agency).

14. With regard to the request set forth in paragraph 2.f, above, it is found that the respondents conducted a thorough search through the files maintained in the Mayor’s

office to determine whether they maintained any records that would indicate the owners of two private companies, however, they did not locate any such records. It is found that the respondents do not maintain any records responsive to the request set forth in paragraph 2.f, above. The respondents did suggest to the complainant that he check with the Secretary of the State for such records.

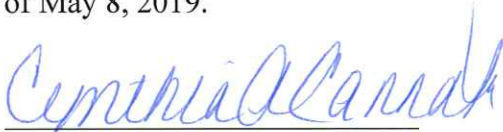
15. Finally, with regard to the request set forth in paragraph 3.a, above, it is found that, in 2016, the city administration implemented a mayoral signing form to establish that documents and contracts, such as lien sale contracts, were properly reviewed and approved prior to being submitted for mayoral signature. It is found that these forms went into effect for the first time in 2017 and the 2017 forms were disclosed to the complainant. Nevertheless, it is found that the respondents conducted a thorough search through the files maintained in the Mayor's office to determine whether they maintained any kind of similar forms for the 2006 and 2016 calendar years, however, they did not locate any such records. It is found that the respondents do not maintain any additional records responsive to the request set forth in paragraph 3.a, above.

16. Based on the findings above, it is concluded that the respondents did not violate the FOI Act, as alleged in the complaint.

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 May 8, 2019.



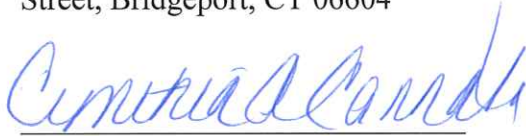
Cynthia A. Cannata
Acting Clerk of the Commission

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:

ETHAN BOOK, 144 Coleman Street, Bridgeport, CT 06604

MAYOR, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT, c/o Attorney Tamara Titre and Attorney Michael Jankovsky, Office of the City Attorney, 999 Broad Street, Bridgeport, CT 06604



Cynthia A. Cannata
Acting Clerk of the Commission