

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Susan Fernandez and
The SPCA of Connecticut, Inc.,

Complainants

against

Docket #FIC 2016-0104

Animal Control Officer,
Town of Seymour; and
Town of Seymour,

Respondents

October 13, 2016

The above-captioned matter was heard as a contested case on May 12, 2016, at which time the complainants and the respondents appeared, stipulated to certain facts and presented testimony 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. By letter of complaint filed February 8, 2016, the complainants appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with their December 7, 2015 and February 4, 2016 requests for public records.
3. It is found that the complainants made a December 7, 2015 request, repeated on February 4, 2016 for access to and a copy of:

... any animal surrender forms, releases, cage cards, evaluations and subsequent re-adoption applications and contracts, emails or written reports about an owner-surrendered neutered male, Chihuahua dog named Boo Boo and renamed Huey who we believe was surrendered to you by a woman named "Theresa" and we believe was re-adopted to "Furry Friends Foster and Rescue, Inc."

4. 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.

5. 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.

6. 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."

7. It is found that respondents maintain no records responsive to the complainants' request.

8. 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 October 13, 2016.



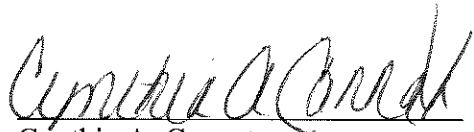
Cynthia A. Cannata
Acting Clerk of the Commission

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:

Susan Fernandez and the SPCA of Connecticut, Inc.
359 Spring Hill Road
Monroe, CT 06468

Animal Control Officer, Town of Seymour;
and Town of Seymour
c/o Brian L. LeClerc, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460



Cynthia A. Cannata
Acting Clerk of the Commission