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FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Tom Curran,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0177

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

Respondent(s)

December 29, 2016

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, January 25, 2017**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE January 13, 2017**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE January 13, 2017**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE January 13, 2017**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Attorney Rachel M. Baird
Attorney Bryan L. LeClerc

FIC# 2016-0177/Trans/wrbp/LFS/VB/2016-12-29

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Tom Curran,

Complainant

against

Docket #FIC 2016-0177

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

Respondents

December 28, 2016

The above-captioned matter was heard as a contested case on August 18, 2016, and December 15, 2016, at which times 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 December 26, 2015, the complainant requested copies of the following records:

[a]. The Report, Warrant, Witness Statements, Arrest Record and all related documents for 2010-17512 where Sarris claims I "STOLE" Dealer Plates.

[b]. The Report, Warrant, Witness Statements, Arrest Record and all related documents for 2012-18299 where Sarris claims I "STOLE" \$48,000.00.

[c]. The Report, Warrant, Witness Statements, Arrest Record and all related documents for 2012-20679 where Sarris claims I threatened my nieces and nephews.(please include copies of all emails).

[d]. The Report, Warrant, Witness Statements, Arrest Record and all related documents for 2012-21574 where Sarris claims I sent "SCORES" of emails. (Please include copies of the emails).

[e]. The Report, Warrant, Witness Statements, Arrest Record and all related documents for 2012-24036 where Sarris claims I came to Curran Volkswagen. (Please include the Street Address of where the alleged incident occurred as well as witnesses who were present at the time of the alleged incident).

[f]. The Report, Warrant, Witness Statements, Arrest Record and all related documents for 2012-25070 where Sarris claims I was harassing my brothers as well as their Lawyer. Please include the emails to both of my brothers as well as emails to/from Atty David Levine, Atty William Britt and Atty Christian Young.

Detective Sarris goes on to write about an incident concerning Breezy Point Garage that he incorrectly labeled as 2012-25070. Please provide a copy of the Warrant referred to as well as Jim Curran's Voluntary Witness Statement as well as the complaints/Statements by Breezy Point Owner Jim Giammattei that were signed. I've also attached this report for your reference.

Please provide a copy of the personnel/disciplinary/training records of Officer Albohn, Badge #188.

Please provide all reports/complaints filed by me at 3.00 hours.

Detective Sarris goes on to mention a day where he explained to me Ct. Statute 14-58 through 14-60 concerning the "legal" use of "Dealer Plates." On this date I explained to him that Diane Curran of Shelton Ct. as well as Stacey Curran of Westport Ct. were driving on Dealer Plates and that they are not "Legal" users per the explanation he gave me. I signed a statement to that effect. Please provide a copy of that Statement as well as the Report, Warrant and Arrest Records for this incident.

Please provide all complaints/reports on file where I harassed Det. Sarris at "ANY" Road Job.

Please provide any Report listing me as a "SUSPECT"
Please provide any report listing me "AS ARRESSTED."
Please provide the 7 Page fax Sarris refers to.

Please provide copies of all donations (cash or otherwise) made by Curran Volkswagen to the Stratford Police Dept. or ANY of its affiliates ie: PAL. Police Explorers etc.

3. It is found that the respondents acknowledged the request on December 29, 2015.

4. It is found that on February 25, 2016, the respondents informed the complainant by email that most of the records requested by the complainant were available for his inspection. It is found that the respondents also informed the complainant that he could receive copies of any of the records upon payment of the statutory fee.

5. By letter filed February 29, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the records he requested.

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

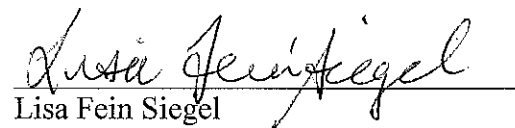
10. It is found that between the dates of the two hearings in the matter, the respondents and complainant met several times during which times the respondents provided to the complainant, free of charge, all the records they maintain that are responsive to his request in this matter, and also provided copies of records they maintain that are responsive to the complainant's other requests.

11. It is found that the respondents performed a diligent search for the records requested by the complainant and that the respondents provided copies of all the responsive records they maintain.

12. It is concluded, therefore, 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.



Lisa Fein Siegel
as Hearing Officer