

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ethan Book,

Complainant

against

Docket #FIC 2019-0499

Mayor, City of Bridgeport; and City of
Bridgeport,

Respondents

November 13, 2019

The above-captioned matter was heard as a contested case on October 16, 2019, 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. By letter of complaint filed August 13, 2019, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to failing to provide records responsive to two separate requests for certain public records.
3. It is found that on July 10, 2019, the complainant requested the following records from the respondents:
 - a. The costs, dates and number of people attending during the years 2016, 2017, 2018 and 2019 of any retreats for staff of the Office of the City Attorney.
 - b. The costs, dates and number of people attending during 2018 and 2019 of any monthly luncheons for staff of the Office of the City Attorney.
4. It is found that on July 10, 2019, the respondents acknowledged the complainant's request.

5. It is found that on July 16, 2019, the complainant submitted a second request to the respondents requesting the following records:

- a. With respect to loans extended by the Small and Minority Business Development Office (a) statement of objectives and policies for such loan, (b) a listing by year of loans extended since January 2014 with detail as to name of borrower, amount, term, and whether loans are supported by security, (c) number of loans which were past-due at the end of each calendar year since 2014, and (d) number and amounts of loans which were foreclosed, charged off and number of loans which were fully paid off.
- b. With respect to stipend usages by Councilmen Eneida Martinez and Karen Jackson, detail as to usages from November 2016 through December 2018.

6. It is found that the respondents acknowledged the complainant's request on July 17, 2019.

7. Section 1-200(5), G.S., defines "public records or files" as follows:

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.

8. 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.

9. 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."

10. It is found that the records requested by the complainant, to the extent that they are maintained by the respondents, are public records within the meaning of §§1-200(5), 1-210(a),

and 1-212(a), G.S.

11. With respect to the July 10, 2019 request, it is found that on July 17, 2019, the respondents replied to the complainant's request stating that they had no records responsive to the request.

12. In regard to the July 16, 2019 request, it is found that the respondents replied that they did not maintain any records responsive to item 5a., above, as the referenced agency does not make loans as suggested by the complainant's request. With respect to records responsive to item 5b., above, it is found that the respondents provided the complainant with a hyperlink that allowed him access to an on-line repository of records responsive to his request.

13. At the hearing on this matter, the complainant questioned the respondents regarding their responses to his inquiries, and he acknowledged that he was satisfied with those responses.

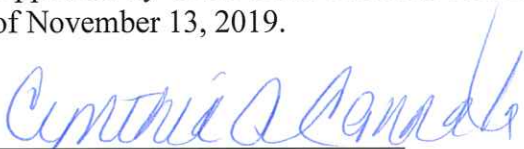
14. Additionally, at the hearing on this matter, the complainant commented about the promptness of the respondents' response to his July 16, 2019 request in which he did not receive any substantive response until October 9, 2019. However, the alleged lack of promptness was not fairly raised in the complainant's appeal and therefore, the Commission makes no finding in that regard.

15. It is concluded that the respondents did not violate the FOI Act, as alleged by the complainant.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of November 13, 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 Dina A. Scalo, Office of the City Attorney, 999 Broad Street, 2nd Floor, Bridgeport, CT 06604



Cynthia A. Cannata
Acting Clerk of the Commission