

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ida Klaneski and Stanley Klaneski,

Complainants

against

Docket #FIC 2019-0251

Mayor, Town of Plymouth; and Town
of Plymouth,

Respondents

September 25, 2019

The above-captioned matter was heard as a contested case on June 14, 2019, at which time the complainant appeared and presented testimony, exhibits and argument on the complaint. The respondents did not appear.

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 April 29, 2019, the complainants appealed to the Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying them access to certain public records.
3. It is found that in a letter to the respondents dated April 16, 2019, the complainants requested transcripts and/or recordings of Town of Plymouth Planning and Zoning Commission meetings in which the proposed project known as “Prospect Place” was discussed. The complainants requested such transcripts or recordings for the dates of, “January 10, 2019, January 31, 2019, and February 14, 2019 among any others.”
4. 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.
5. 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.

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

8. It is found that the respondents acknowledged the complainants’ request in a letter dated April 23, 2019. It should be noted that the respondents are the Mayor and the Town of Plymouth and not the Plymouth Planning and Zoning Commission. However, the Mayor authored the respondents’ acknowledgement of the request and agreed to compile and release the requested records.

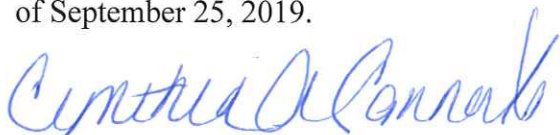
9. It is further found that the complainants received a USB drive that contained recordings as well as 39 pages of meeting minutes responsive to their request. However, the items received were for meetings that occurred only in 2019. The complainants’ request mentioned specific dates in 2019 that meetings were held for which they were seeking records, but the request also included the phrase, “among any others.” At the hearing on this matter, the complainants contended that there were additional meetings regarding the development of “Prospect Place” that took place during 2018.

10. Based on the specific facts and circumstances of this case, it is concluded that the respondents failed to fully comply with the disclosure requirements of §§1-210(a) and 1-212(a), G.S.

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

1. The respondents shall provide the complainants with any additional records responsive to the complainants’ request at no cost to the complainant.
2. Henceforth, the respondents shall strictly comply with the disclosure provisions of §§1-210 and 1-212, G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of September 25, 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:

IDA KLANESKI AND STANLEY KLANESKI, 20 Prospect Street, Terryville, CT 06786-5409

MAYOR, TOWN OF PLYMOUTH; AND TOWN OF PLYMOUTH, c/o Attorney William Hamzy, The Hamzy Law Firm, 140 Farmington Avenue, Bristol, CT 06010



Cynthia A. Cannata
Acting Clerk of the Commission