

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Michael Aronow,

Complainant

against

Docket #FIC 2019-0087

Director of Public Records,
State of Connecticut,
University of Connecticut; and
State of Connecticut;
University of Connecticut,

Respondents

January 8, 2020

The above-captioned matter was heard as a contested case on April 26, 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. It is found that, by email dated January 30, 2019, the complainant requested that the respondents provide him with access to the following records on a rolling basis:

Documents reflecting the current employment status (from January 1, 2019 to the present) of the following individuals. In particular, the documents should include whether the individuals are currently officially employed or affiliated with UCONN Health Center or the University of Connecticut and, if so, their official job title and position:

- a. Anne Horbatuck;
- b. William Kleinman; and
- c. Karen Duffy-Wallace.

3. It is found that, by email dated January 30, 2019, the respondents acknowledged the complainant's request and informed him that his request was being processed.

4. By letter dated February 12, 2019 and filed February 13, 2019, the complainant appealed to the Commission, alleging that the respondents had violated the FOI Act by failing to provide him with access to the responsive 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, to the extent that they exist, 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 hearing, the complainant acknowledged that he had made a similar request for records in August 2018 and had received responsive records regarding the three individuals identified in paragraph 2, above. It is found that the timeframe on the previous request was employment records through August 2018. With regard to the instant case, it is found that the complainant was seeking records similar to those he had received in August 2018, but this time he wanted records for the same three individuals created by the respondents between January 1, 2019 and January 30, 2019.

10. It is found that, in this case, the respondents had no additional responsive records to provide to the complainant because, from August 2018, which was when the respondents previously disclosed records to the complainant, through January 30, 2019,

which is the date of the instant request, the respondents had not created any new responsive records.

11. It is found that Larry Pittman, the respondents' Director of Human Resources and Payroll, conducted the search for records responsive to the instant request. It is further found that Director Pittman is the individual who conducted the search for records responsive to the complainant's August 2018 request. It is found that Director Pittman was familiar with the kind of records being requested by the complainant in both requests because such records are maintained by the respondents' Human Resources Department.

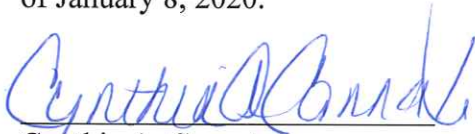
12. It is found that, because Mr. Pittman determined that the respondents did not maintain any records responsive to the instant request, he created a chart for the complainant detailing the current employment status of the three individuals identified in paragraph 2, above.

13. 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 hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 8, 2020.



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:

MICHAEL ARONOW, Orthopedic Associates of Hartford, P.C., 31 Seymour Street, Suite 100, Hartford, CT 06106

DIRECTOR OF PUBLIC RECORDS, STATE OF CONNECTICUT, UNIVERSITY OF CONNECTICUT; AND STATE OF CONNECTICUT, UNIVERSITY OF CONNECTICUT, c/o Attorney Scott B. Simpson, UCONN Health, 263 Farmington Avenue, Suite AG-093, Farmington, CT 06030-1093



Cynthia A. Cannata
Acting Clerk of the Commission