

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Matthew Olson,

Complainant

against

Docket #FIC 2019-0581

Office of Legal Affairs,  
City of Stamford; and  
City of Stamford,

Respondents

June 24, 2020

The above-captioned matter was heard as a contested case on January 3, 2020, 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 letter dated August 12, 2019, the complainant made a request to the respondents for “an opportunity to inspect or obtain copies of all records related to *enforcement procedures* described in 231.9 (B) of the Code of the City of Stamford, Connecticut.” (Emphasis in original) (“August 12<sup>th</sup> request”). Section 231.9 of the City of Stamford’s Code of Ordinances, titled “Records to be kept by traffic authority”, provides:
  - A. It shall be the duty of the Director of Operations, or the designee of said Director to keep a record of the names of the owners of all vehicles taken into custody under the provision §231-8 of this Article, the numbers of their state license plates, the place each vehicle is being stored and the nature, circumstances and disposition of each case, and to immediately notify the Police Department of the same.
  - B. It shall be the responsibility of the Director of Operations, or the designee of said Director to furnish to the Police Department records and procedures relating to the enforcement of this section by traffic violation officers, police officers or other individuals empowered by the traffic authority.

3. By email received on September 19, 2019, the complainant appealed to this Commission alleging that the respondents violated the FOI Act by failing to comply with his August 12<sup>th</sup> request, described in paragraph 2, above.<sup>1</sup>

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 that "[a]ny person applying in writing shall receive promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

7. It is concluded that the requested records, to the extent that they exist, 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 provided the complainant with some records in response to his August 12<sup>th</sup> request including, but not limited to a manual titled "VATS [Violation and Ticketing System] Enforcement Manual, Enforcement, Chalking and Plate Search," and copies of certain City Ordinances provisions relating to parking violations and residential parking zones.

9. At the hearing, the complainant contended that the records provided to him by the respondents, as described in paragraph 8, above, were not responsive to his August 12<sup>th</sup> request, and explained that he was seeking information related to how traffic and parking ordinances are enforced in the City of Stamford. The complainant argued that pursuant to Section 231.9(B) of the City Ordinances, the respondents should have records articulating the traffic and parking

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<sup>1</sup> In his complaint, the complainant also states that he is appealing the City's "apparent denial" of a request for "2017-2019 federal funding (submitted 8/12)." At the hearing, however, the complainant did not raise the issue of access to such records and therefore that issue is deemed abandoned.

enforcement procedure to be followed by the City's police and traffic enforcement officers, and found it difficult to believe that no written procedure exists.

10. At the hearing, Frank Petise, a Traffic Engineer with the City of Stamford's Transportation, Traffic and Parking Bureau, testified that in an attempt to respond to the August 12<sup>th</sup> request, he gathered and provided the complainant with records related to traffic enforcement that he located in the parking enforcement office. Mr. Petise testified, however, that he was unable to locate a written enforcement procedure responsive to the August 12<sup>th</sup> request. Mr. Petise testified that he also spoke with the Bureau Chief, traffic enforcement officers and the parking operations foreman, who informed him that they were not aware of any written procedure. In addition, upon questioning by the complainant, Mr. Petise testified that to his knowledge, no records are supplied to the Police Department as set forth in Section 231.9(B) of the City Ordinances.

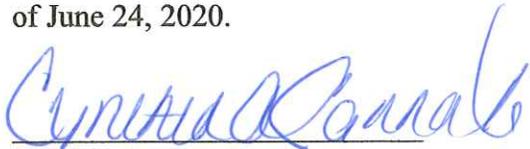
11. It is found that the respondents do not maintain any records responsive to the complainant's August 12<sup>th</sup> request.

12. It is therefore concluded that the respondents did not violate §§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 complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 24, 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:

**MATTHEW OLSON**, 73 Mill Road, Stamford, CT 06903

**OFFICE OF LEGAL AFFAIRS, CITY OF STAMFORD; AND CITY OF STAMFORD**,  
c/o Attorney Michael Toma, City of Stamford, Office of Corporation Counsel, 888  
Washington Boulevard, Stamford, CT 06901



Cynthia A. Cannata  
Acting Clerk of the Commission