

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Claire Howard,

Complainant

against

Docket #FIC 2016-0891

Chief Executive Officer, Bristol Housing
Authority; and Bristol Housing
Authority,

Respondents

June 28, 2017

The above-captioned matter was heard as a contested case on March 7, 2017, at which time the complainant appeared but 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. It is found that, on August 4, 2016, the complainant requested copies of the following records:

[a] All internal and external communications, which includes, but is not limited to, electronic communications prepared, owned, used, received or retained on Bristol Housing Authority computers, personal computers and all personal phones used to conduct Bristol Housing Authority business, to and/or from Mitzy Rowe and Gary Schaffrick from November 11, 2015 to the present that refer to Deidre Methe.

[b] All internal and external communications, which includes, but is not limited to, electronic communications prepared, owned, used, received or retained on Bristol Housing Authority computers, personal computers and all personal phones used to conduct Bristol Housing Authority business, to and/or from Mitzy Rowe and Gary Schaffrick from January 1, 2011 to the present that refer to procurement of vendor contracts for the Bristol Housing Authority, Special Events Coordinator Position at the Bristol Housing Authority, and work performed for Bristol

Neighborhood Development Corporation by Bristol Housing Authority staff members.

[c] Bristol Housing Authority annual budgets from 2010 through the present, including but not limited to drafts of annual budgets and forecasted budgets.

[d] Bristol Housing Authority audit reports from 2010 through the present.

[e] All contractual agreements the Bristol Housing Authority entered into with vendors between 2010 and the present.

[f] All contractual agreements the Bristol Housing Authority entered into with members of the Board of Commissioners, between 2010 and the present.

[g] All communications, including but not limited to, electronic communications to the United States Department of Housing and Urban Development between 2010 and the present, concerning or referencing conflicts of interest.

[h] All notes, recordings and minutes of the Bristol Housing Authority Board of Commissioners meetings, including but not limited to standing and ad-hoc committees, between 2010 and the present.

[i] All documents that refer or relate to audits, investigations, inquiries, or studies, by Bristol Housing Authority, referring or relating to Bristol Housing Authority's compliance or non-compliance with any state or federal wage and hour laws.

[j] All documents that refer or relate to any complaints made by Bristol Housing Authority employees to human resources regarding Bristol Housing Authority's pay practices, including but not limited to alleged violations of federal or state wage and hour laws.

3. It is found that, on October 25, 2016, the complainant emailed the respondents to ask about the status of her request. It is found that counsel for the respondents replied that “they have been working very hard to amass the documents. I think they are very close.”

4. It is found that, on November 30, 2016, the complainant, having received no records from the respondents, again requested the records described in paragraph 2, above.

5. By letter filed December 28, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide copies of the records she 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, on January 20, 2017, the respondents provided the complainant with a flash drive that contained some of the records responsive to her request. It is found that the respondents informed the complainant that they were still in the process of completing their search for responsive emails or other electronically stored records with respect to parts [a], [b], and [g] of the request.

11. It is found that, on February 13, 2017, the complainant reminded the respondents that the emails and other electronically stored records described in paragraph 10, above, had not yet been provided.

12. At the hearing in this matter, the complainant testified that she also did not receive the draft copies of budgets she requested, described in paragraph 2[c], above.

13. It is found that the respondents failed to provide the records described in paragraphs 10 and 12, above. It is concluded that the respondents violated §§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. Forthwith, the respondents shall conduct a diligent search for the outstanding records described in paragraphs 10 and 12 of the findings of fact, above. The respondents shall promptly provide any such records to the complainant. If the respondents discover that they do not maintain responsive records, they shall inform the complainant of that by sworn affidavit, including in the affidavit the details of their search.

2. Henceforth, the respondents shall comply with §§1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 28, 2017.



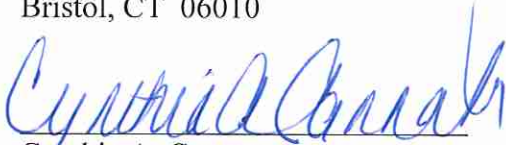
Cynthia A. Cannata
Acting Clerk of the Commission

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:

Claire Howard
402 Asylum Street
Hartford, CT 06103

Chief Executive Officer, Bristol Housing Authority;
and Bristol Housing Authority
c/o Salvatore V. Vitrano, Esq.
135 West Street
Bristol, CT 06010



Cynthia A. Cannata
Acting Clerk of the Commission