

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Michael Bracken Jr.,

Complainant

against

Docket # FIC 2019-0083

Eric Osanitsch, Chief, Police Department,
Town of Windsor Locks; Police
Department, Town of Windsor Locks; and
Town of Windsor Locks,

Respondents

June 26, 2019

The above-captioned matter was heard as a contested case on May 23, 2019, at which time the complainant and the respondents appeared 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 email and letter of complaint filed on February 7, 2019, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to reply to his letter dated January 21, 2019, requesting a copy of the personnel files of Ashley Esposito and Diane Potemski, and failing to reply to his letter dated January 22, 2019, requesting a list of all individuals blocked from emailing the respondent police chief.
3. 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.
4. 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.

5. 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."

6. 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.

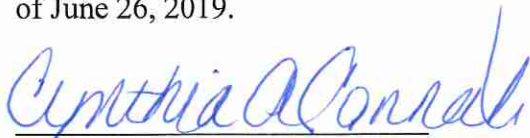
7. It is found that the respondents did not receive the January 21 and 22, 2019 FOI request letters prior to the filing of the complaint in this matter. Moreover, the complainant was unable to produce for the hearing a full copy of either the January 21 or the January 22, 2019 FOI request letters.

8. Because it is found that the respondents did not receive the complainant's FOI request letters for the records identified in paragraph 2, above, 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 June 26, 2019.



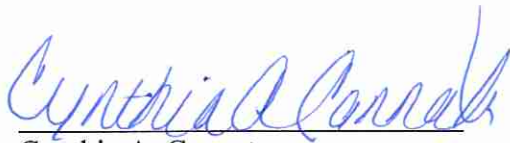
Cynthia A. Cannata
Acting Clerk of the Commission

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:

MICHAEL BRACKEN JR., 12 Tinker Drive, Windsor Locks, CT 06096

ERIC OSANITSCH, CHIEF, POLICE DEPARTMENT, TOWN OF WINDSOR LOCKS; POLICE DEPARTMENT, TOWN OF WINDSOR LOCKS; AND TOWN OF WINDSOR LOCKS, c/o Attorney Carl T. Landolina, 487 Spring Street, Windsor Locks, CT 06096



Cynthia A. Cannata
Acting Clerk of the Commission