

Since 1975



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
Toll free (CT only): (866) 374-3617 Tel: (860) 566-5682 Fax: (860) 566-6474 • www.ct.gov/foi • email: foi@ct.gov

Eric Handel
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0648

Commissioner, State of Connecticut, Department of Motor Vehicles; and State of Connecticut, Department of Motor Vehicles

Respondent(s)

June 30, 2017

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, July 26, 2017**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE July 14, 2017**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE July 14, 2017**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE July 14, 2017** and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of Information Commission

Wendy R.B. Paradis
Acting Clerk of the Commission

Notice to: Eric Handel
Attorney Michaela J. Rosenberger

FIC# 2016-0648/ITRA/PSP/VDH/WRBP/2017-06-30

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Eric Handel,

Complainant

Docket # FIC 2016-0648

against

Commissioner, State of Connecticut,
Department of Motor Vehicles; and State of
Connecticut, Department of Motor Vehicles,

Respondents

June 26, 2017

The above-captioned matter was heard as a contested case on April 18, 2017, and May 16, 2017, at which times the complainant and 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 on August 5, 2016, the complainant made a records request to the respondents utilizing the Department of Motor Vehicles (DMV) "Copy Records Request" J-23 form. It is found that the complainant checked off the box for "Miscellaneous Request" and specified that he sought "info on who has been accessing my record as well as it's [sic] complete contents per FOIA." It is found that the statutory fee for such records request is \$20.00.¹
3. It is found that by letter dated August 24, 2016, the respondents informed the complainant that they were unable to complete his August 5th request, described in paragraph 2, above, because the fee was not included, and requested that he submit \$20.00. No further explanation was provided at that time.
4. By email dated September 8, 2016, the complainant appealed to the Freedom of Information ("FOI") Commission, alleging that the respondents violated the FOI Act by failing to comply with his August 5th request, described in paragraph 2, above.
5. Section 1-200(5), G.S., defines "public records or files" as:

¹ Conn. Gen. Stat. §14-50a enumerates the items and services for which the Commissioner of Motor Vehicles shall charge a \$20.00 fee.

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 . . . (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 "any 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 the records requested by the complainant are public records and must be disclosed in accordance with §§1-200(5), 1-210(a) and 1-212(a), G.S.

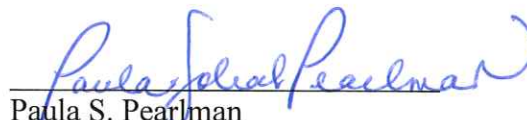
9. It is found that there was a disagreement between the parties as to whether the complainant submitted the proper statutory fee of \$20.00 with his August 5th request, described in paragraph 2, above. Nevertheless, it is further found that at such time, the complainant's checking account was not debited for the amount of \$20.00.

10. Accordingly, it is concluded that the respondents did not violate the disclosure provisions of the FOI Act.

11. The Commission notes that, after the complaint was filed in this matter, the complainant made a second request to the respondents for the information described in paragraph 2, above, and was provided with the only documents that the respondents possess that are responsive to his requests.

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.


Paula S. Pearlman
as Hearing Officer