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FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Carole Donagher
Complainant(s)
against

Notice of Meeting

Docket #FIC 2017-0282

Animal Control Officer, City of Hartford; and City of Hartford

Respondent(s)

September 21, 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 **2:00 p.m. on Wednesday, October 11, 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 September 29, 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 September 29, 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 September 29, 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: Carole Donagher
Attorney Cynthia Lauture

FIC# 2017-0282/ITRA/PSP//KKR/WRBP/2017-09-21

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Carole Donagher,

Complainant

Docket # FIC 2017-0282

against

Animal Control Officer,
City of Hartford; and
City of Hartford,

Respondents

September 5, 2017

The above-captioned matter was heard as a contested case on July 25, 2017, at which time the complainant and respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

On July 27, 2017, the complainant submitted, via email, additional information to the hearing officer for consideration. The respondents did not file an objection. Such email has been marked as Complainant's Exhibit 1: Email, dated July 27, 2017, from the complainant to the hearing officer (cc'd to the respondents).

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 April 24, 2017, the complainant requested from the respondents copies of the monthly reports that the City of Hartford was required by law to submit to the State Department of Agriculture ("DOA") concerning the City's animal control activities. The complainant sought the reports for the months of July 1, 2015 through the most recent completed month in 2017 (*i.e.*, March 2017).
3. It is found that in May 2017, prior to the filing of the complaint in this matter, the complainant contacted the respondents several times, via email and telephone, inquiring as to the status of her April 24, 2017 request.

4. By email, dated May 22, 2017, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with her April 24, 2017 request, described in paragraph 2, above.

5. Section 1-200(5), G.S., defines “public records or files” as:

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 “[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 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.

9. At the hearing, the respondents testified that the only responsive records in their possession at the time of the complainant’s request were nine pages of an August 2016 monthly report, copies of which they had already provided to the complainant in response to an earlier request for similar records. The respondents testified that the monthly reports were handwritten and submitted to the DOA, without the respondents maintaining copies for themselves. In addition, they testified that they planned to create a new document for the complainant containing the information that she sought in her April 24th request.

10. It is found that, prior to the hearing in this matter, the respondents suggested to the complainant, that she contact the DOA and request copies of the monthly reports that she sought in her April 24th request. It is found that the complainant contacted the DOA and obtained the requested monthly reports, except for copies of the reports for June 2016 and November 2016, of which the DOA did not have copies.

11. It is found that, at the time of the complainant's request, the respondents did not have any records responsive to such request, except for the nine pages of the August 2016 monthly report.

12. It is therefore concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., 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.


Paula S. Pearlman
as Hearing Officer