

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

John Barney,

Complainant

against

Docket #FIC 2015-806

Town Clerk, Town of Bloomfield;
and Town of Bloomfield,

Respondents

August 10, 2016

The above-captioned matter was heard as a contested case on February 9, 2016, 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 letters dated November 2, and 10, 2015, the complainant made a request to the respondents for copies of all contracts between the town of Bloomfield and Marc N. Needleman or with the Law Offices of Marc N. Needleman.
3. It is found that by letters dated November 3, 2015 and November 16, 2015, the respondents informed the complainant that they had no such documents.
4. By letter dated November 23, 2015 and filed on November 24, 2015, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with his request.
5. 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.

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, (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.

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. At the hearing on this matter, the complainant claimed that pursuant to certain provisions of the Rules of Professional Conduct, which govern the professional conduct and activities of lawyers, the town should have received and signed a contract from the town attorney setting out the services he would perform, the manner in which fees would be assessed, and the manner in which either party could terminate the contract.

9. At the hearing on this matter, the respondent clerk testified, and it is found, that the original of any contracts or documents, such as those requested by the complainant, would be maintained by and within her office.

10. It is found that the respondent clerk searched her records and further, reached out to other departments within the town in search of the requested records and did not find any record responsive to the complainant’s request.

11. It is found that the requested records do not exist.

12. It is concluded, therefore, that the respondents did not violate the disclosure provisions of 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 August 10, 2016.

A handwritten signature in cursive script, appearing to read "Cynthia A. Cannata".

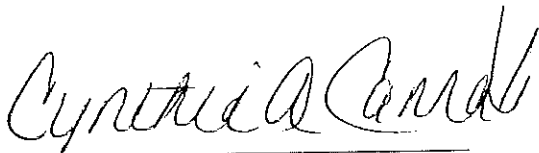
Cynthia A. Cannata
Acting Clerk of the Commission

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:

John Barry
P.O. Box 34
Tariffville, CT 06081

Town Clerk, Town of Bloomfield;
and Town of Bloomfield
c/o Marc N. Needelman
800 Cottage Grove Road
Suite 313
Bloomfield, CT 06002



Cynthia A. Cannata
Acting Clerk of the Commission