

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Elizardo Montanez,

Complainant

against

Docket # FIC 2020-0518

Chief, Police Department,  
City of Bridgeport; Police  
Department, City of Bridgeport;  
and City of Bridgeport,

Respondents

October 26, 2022

The above-captioned matter was heard as a contested case on March 17, 2022, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session). At the time of hearing in this matter, the complainant was incarcerated in a correctional facility of the Department of Correction. For purposes of the hearing, the above-captioned matter was consolidated with Docket #FIC 2020-0509; Elizardo Montanez v. Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport.

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 letter of complaint, received October 13, 2020,<sup>1</sup> the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act. Specifically, the complainant alleged that the respondents failed to provide copies of records responsive to a November 7, 2019 request regarding his criminal case.

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<sup>1</sup> On March 25, 2020, the Governor issued Executive Order 7M, thereby suspending the provisions of Conn. Gen. Stat. §1-206(b)(1), which required the Freedom of Information Commission to hear and decide an appeal within one year after the filing of such appeal. Executive Order 7M, which was extended by Executive Order 12B, applied to any appeal pending with the Commission on the issuance date and to any appeal filed prior to July 1, 2021. Consequently, the Commission retains subject matter jurisdiction.

3. However, at the hearing, the complainant testified that the respondents failed to provide him with copies of records responsive to a January 21, 2020 request, and that such request, and not the November 7, 2019 request, was the request at issue in this matter. The respondents contended that such allegation was not fairly raised in the complaint, and therefore they did not have proper notice thereof.

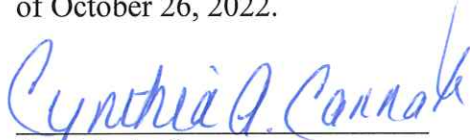
4. The Commission notes that the complainant did not include copies of the November 7, 2019 request, or January 21, 2020 request, with the complaint.

5. It is found that the allegation described in paragraph 3, above, was not fairly raised in the complaint. Consequently, such allegation is not properly before the Commission and may not be addressed in the context of this case. It is concluded that the Commission lacks jurisdiction over the complaint.

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 October 26, 2022.



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:

**ELIZARDO MONTANEZ, #371236**, Cheshire C.I., 900 Highland Ave, Cheshire, CT. 06410

**CHIEF, POLICE DEPARTMENT, CITY OF BRIDGEPORT; POLICE DEPARTMENT, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT**, c/o Attorney Dina A. Scalo, Office of the City Attorney, 999 Broad Street, 2nd Floor, Bridgeport, CT 06604



Cynthia A. Cannata  
Acting Clerk of the Commission