

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Maribella Gonzalez,

Complainant

against

Docket # FIC 2023-0501

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

Respondents

August 14, 2024

The above-captioned matter was heard as a contested case on March 28, 2024, 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, on August 8, 2023, the complainant appeared in person at the respondent police department and made an oral request for a copy of a report drafted by Officer Robert Quintanilla (Report No. 22-85149) relating to an incident that occurred on October 28, 2022.
3. It is found that, in response to the complainant's request described in paragraph 2, above, the respondents orally denied such request on August 8, 2023, but advised the complainant that she may make such request in writing and offered her to take a slip of paper with instructions for submitting a written request pursuant to the Freedom of Information ("FOI") Act.
4. It is found that, on October 4, 2023, the complainant submitted to the respondents a letter dated September 28, 2023, alleging that the respondents violated the FOI Act by denying her request described in paragraph 2, above. It is found that, the same day, the respondents sent the complainant an email acknowledging receipt of her October 4, 2023 submission.
5. By email filed October 4, 2023, the complainant appealed to the Commission, alleging that the respondents violated the FOI Act by denying her request described in paragraph 2, above.
6. Section 1-200(5), G.S., provides:

“[p]ublic 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, videotaped, printed, photostated, photographed or recorded by any other method.

7. Section 1-210(a), G.S., provides in relevant part that:

[e]xcept 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 . . . (3) receive a copy of such records in accordance with section 1-212.

8. 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.”

9. Section 1-206(a), G.S., provides in relevant part:

Any denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, **in writing**, within **four business days of such request** Failure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed to be a denial.

(Emphasis Added.)

10. Section 1-206(b)(1), G.S., provides in relevant part:

Any person denied the right to inspect or copy records under section 1-210 ... or denied any other right conferred by the [FOI] Act may appeal therefrom to the [FOI] Commission, by filing a notice of appeal with said commission. **A notice of appeal shall be filed not later than thirty days after such denial**.... For purposes of this subsection, such notice of appeal shall be deemed to be filed on the date it is received by said commission or on the

date it is postmarked, if received more than thirty days after the date of the denial from which such appeal is taken.

(Emphasis Added.)

11. It is found that the respondents never denied the complainant's August 8, 2023 records request in writing, pursuant to §1-206(a), G.S. Thus, it is found that the complainant's August 8, 2023 request, for purposes of §§1-206(a) and 1-206(b)(1), G.S., is deemed to have been denied on August 14, 2023, four business days from the date the respondents received the request.

12. It is found that the complainant emailed, and the Commission received, the complaint on October 4, 2023, which is fifty-one days after the denial of the complainant's August 8, 2023 request.

13. Based on the foregoing, it is found that the complainant did not file her appeal within thirty days of the alleged denial of her August 8, 2023 request, as required by §1-206(b)(1), G.S.¹

14. At the hearing on this matter, the respondents contended that, to the extent that the complainant's October 4, 2023 submission to the respondents could be construed as a renewed request² for the records she had requested on August 8, 2023, the complaint is premature because the respondents had not denied such October 4, 2023 "request" at the time the complainant filed her complaint with the Commission.

15. It is found that the complainant's October 4, 2023 submission to the respondents can fairly be construed as a renewed request for the records she requested on August 8, 2023 ("October 4, 2023 Renewed Request").

16. It is found that the respondents' October 4, 2023 email to the complainant does not constitute a denial of the October 4, 2023 Renewed Request.

17. It is found that the October 4, 2023 Renewed Request, for purposes of §§1-206(a) and 1-206(b)(1), G.S., would be deemed to have been denied four business days from the date of the request, or October 11, 2023. However, it is found that the complainant filed her complaint on October 4, 2023.

¹ The Commission, nonetheless, notes that requests for **copies** of public records must be made in writing. See Planning & Zoning Comm'n of Town of Pomfret v. Freedom of Info. Comm'n, 130 Conn. App. 448, 456 (2011) ("The language of §1-212(a) clearly and unambiguously requires that an individual seeking to receive a copy of a public record ... must reduce the request to writing in order for the request to be enforceable by the [C]ommission.")

² The Connecticut Supreme Court has held that the FOI Act "does not bar successive requests, nor does it bar successive denials, nor does it require an appeal within thirty days of the denial of any particular request." Board of Educ. v. Freedom of Info. Comm'n, 208 Conn. 442, 451(1988); see also Sedensky v. Freedom of Info. Comm'n, No. HHB-CV13-6022849S, 2013 WL 6698055 (Conn. Super. Ct. 2013); Town of West Hartford v. Freedom of Info. Comm'n, 218 Conn. 256 (1991).


18. Based on the foregoing, it is concluded that the respondents had not yet denied the October 4, 2023 Renewed Request, within the meaning of §1-206, G.S., at the time the complaint was filed.

19. It is therefore concluded that the Commission lacks jurisdiction over this matter.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of August 14, 2024.

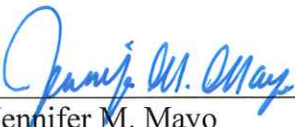

Jennifer M. Mayo
Acting Clerk of the Commission

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:

MARIBELLA GONZALEZ, 281 Bradley Street, Bridgeport, CT 06610

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



Jennifer M. Mayo
Acting Clerk of the Commission