

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Howard Gardner,

Complainant

against

Docket #FIC 2023-0608

Chief, Executive Officer, Housing
Authority of the City of Bridgeport;
and Housing Authority of the City
of Bridgeport,

Respondents

October 23, 2024

The above-captioned matter was heard as a contested case on April 29, 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, by letter dated September 6, 2023, the complainant requested that the respondents provide him with a copy of the following:

...historical data from Park City Communities (“PCC”) for each of the following fiscal years: 2019, 2021, and 2022:

- A. For each year stated above, [a] list of all contractors used by PCC via Micro Purchase Procedure. For each contractor, indicate:
 - (i) Name of contractor;
 - (ii) Number of Micro Purchase[s] awarded to contractor;
 - (iii) Total Micro Purchase dollars spent with contractor; and

(iv) The total dollars spent by PCC under Micro Purchase Procedure.

B. For each of the years stated above, [a] list of all projects awarded via Small Purchase Procedure. For each project, indicate:

(i) The contractor awarded the winning quote, quoted amount, and the total final dollars paid to this contractor;

(ii) Winning contractor's contract start date, contract finish date, and actual completion date;

(iii) A list of all contractors invited to quote, and their quote; and

(iv) The total dollars spent by PCC under Small Purchase Procedure.

C. For each of the years stated above, [a] list [of] all projects awarded via Sealed Bids (including sealed bids used prior to, and after the sealed bid threshold established with the 2021 Procurement Policy). For each project, indicate:

(i) The contractor awarded the winning bid, bid amount, and the total paid to this contractor;

(ii) Winning contractor's contract start date, contract finish date, and actual completion date;

(iii) A list of all contractors who submitted a bid, and their bid amount; and

(iv) The total dollars spent by PCC under sealed bids.

3. It is found that, by letter dated September 11, 2023, the respondents acknowledged the complainant's request.

4. It is found that, by email dated November 20, 2023, the complainant requested that the respondents provide him with an update on the processing of his request.

5. By email dated and filed November 29, 2023, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with a copy of the requested records.

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. It is concluded that the requested records, to the extent that they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. At the hearing, the complainant contended that the respondents had violated the FOI Act because they had not provided him with any responsive records. The respondents contended that, despite their best search efforts, they could not find any records responsive to the complainant’s request.

11. The Chief Executive Officer (the respondent “CEO”) of the respondent authority appeared and testified at the contested case hearing on behalf of the respondents.

12. It is found that, in July 2020, the respondent CEO was recruited to lead the respondent agency, which is doing business as “Park City Communities.” At the hearing on this matter, the respondent CEO testified that “the Bridgeport Housing Authority is the largest, longest-standing, troubled housing authority in the country.” It is found that at the time the respondent CEO was hired, the respondent authority was being monitored by the federal government and on the brink of being placed into federal receivership. It is further found that the current respondent CEO specializes in “troubled” housing authorities, only works at mismanaged housing authorities, and was recruited for her expertise and ability to bring the respondent authority out of troubled status and back to operational stability, and to right-size operations.

13. It is found that, upon joining the respondent authority, the respondent CEO investigated each department within the agency to determine the status of the current and active

projects within each department. It is found that the respondent CEO's investigation included a review of the record keeping system employed in each department, including procurement.

14. It is further found that, upon receipt of the complainant's request set forth in paragraph 2, above, the respondent CEO instructed counsel for the respondent authority and staff in the procurement department to gather all responsive records. It is found that, when responsive records were not located, the respondent CEO interviewed staff members in the procurement department to determine where they searched for responsive records. Given the nature of her recruitment and the longstanding, systemic failures that the CEO was hired to rectify, the respondent CEO conceded that, even before she could confirm her suspicion, she had strong concerns that the respondent authority was not maintaining public records properly.

15. It is found that the respondent CEO and staff searched all hardcopy files and electronic files within the procurement department where the requested records would be located if they had been properly maintained. It is further found that, despite their best search efforts, neither the respondent CEO nor her staff unearthed any responsive records.

16. It is therefore found that, at the time the respondents received the request referenced in paragraph 2, above, they did not maintain any records responsive to such request and therefore could not comply with the complainant's request.

17. Pursuant to the provisions of §1-210(a), G.S., the Commission only has jurisdiction over public records that are maintained by a public agency at the time a request is received; therefore, it is concluded, based on the unusual facts and circumstances of this case, that there is no relief that this Commission can afford the complainant in this matter.

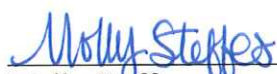
18. It is further concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

19. Although the respondents maintained no records responsive to the complainant's request, the Commission notes that, at the hearing, the respondent CEO informed the complainant that, if he so desired, the respondents would be more than willing to provide him with copies of procurement records from the 2024 calendar year. The Commission further notes that the respondent CEO candidly recognized the failure of the respondent authority to maintain public records properly and advised that the request in the instant matter had served as a catalyst for the respondents to take immediate corrective actions to rectify such failure.

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 October 23, 2024.




Molly Steffes
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:

HOWARD GARDNER, 25 Cartright Street, Unit 8G, Bridgeport, CT 06604

CHIEF EXECUTIVE OFFICER, HOUSING AUTHORITY OF THE CITY OF BRIDGEPORT; AND HOUSING AUTHORITY OF THE CITY OF BRIDGEPORT,
c/o Attorney Tracy L. Norris, Park City Communities, 150 Highland Avenue, Bridgeport, CT 06604


Molly Steffes
Acting Clerk of the Commission