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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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Bradshaw Smith,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-152

Craig Cooke, Superintendent of Schools,
Windsor Public Schools; and Windsor Public Schools,
Respondent(s)

January 13, 2015

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 p.m. on Wednesday, February 11, 2015**. 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 January 30, 2015**. 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 January 30, 2015**. **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 **fourteen (14) copies** be filed **ON OR BEFORE January 30, 2015**, 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

W. Paradis
Acting Clerk of the Commission

Notice to: Bradshaw Smith
Gary R. Brochu, Esq. & Anthony R. Shannon, Esq.

2015-01-13/FIC# 2014-152/Trans/wrbp/VRP//LFS

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Bradshaw Smith,

Complainant

against

Docket #FIC 2014-152

Craig Cooke, Superintendent of Schools,
Windsor Public Schools; and Windsor
Public Schools,

Respondents

January 13, 2015

The above-captioned matter was heard as a contested case on December 30, 2014, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. This case was consolidated for hearing with Docket #FIC 2014-269, Bradshaw Smith v. Craig Cooke, Superintendent of Schools, Windsor Public Schools; and Windsor Public Schools.

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 filed March 14, 2014, the complainant appealed to the Commission, alleging the following:

The undersigned has requested—in writing—the opportunity of the Windsor Public School District (601 Matianuck Ave., Windsor, CT 06095), receive a copy of one or more public documents in accordance with Section 1-210 & Section 1-212 Connecticut General Statutes. As of March 14, 2014, that request has been implicitly denied.

Given the foregoing, the complainant looks to the Commission for:

- a. a civil penalty against Craig S. Cooke and Christina R. Santos),
- b. an order to disclose,

- c. an order to henceforth comply strictly with Chapter 14 Connecticut General Statutes,,
- d. any other order the Commission may deem appropriate.

3. The complainant subsequently, on June 9, 2014, supplemented his complaint to specify that the “documents in question” were requested on March 10, 2014, and that he had received no response as of March 15, 2014.

4. It is found that the respondents were unable to locate, prior to the hearing in this matter, any request from the complainant dated March 10, 2014.

5. Section 1-21j-27 of the Regulations of the Connecticut State agencies provides;

All complaints shall be in writing and shall include the following components:

...

(b) A concise statement of the relevant facts, including but not limited to the items that follow:

...

(2) The name, title, address, and telephone and fax numbers, if known, of the public agency and *any public agency official alleged to have denied the complainant a right conferred by the Freedom of Information Act.*

(3) If the complaint concerns the denial of access to public records, *a description of, or reference to, the requested records.* [Emphasis added.]

6. Although the complaint names two individuals against whom civil penalties are requested to be imposed, the complainant did not allege, and offered no evidence to prove, that those two individuals had denied him a copy of any public record.

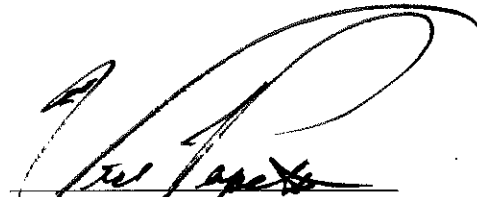
7. Further, the complainant did not in his complaint attach a copy of, or in any way describe, the “one or more public documents” that he alleges he requested from the respondents.

8. It is found that the respondents had no notice, prior to the hearing, of either the person to whom the alleged request had been addressed, or the record that was claimed to have been denied, despite their efforts to locate a request that might correspond to the complaint.

9. It is concluded that the complainant failed to include a concise statement of the relevant facts, and thus failed to satisfy the minimal pleading requirements under Regulation §1-21j-28.

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.
2. At the hearing, the complainant represented that he sought a copy of a certain honor roll, which the respondents expressed a willingness to provide. They are encouraged to do so.



Victor R. Perpetua
as Hearing Officer