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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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David Godbout,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2013-051

Edward Meyer, Member, State of Connecticut,
Connecticut State Senate,
Respondent(s)

March 31, 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, April 22, 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 April 10, 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 April 10, 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 April 10, 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

Wendy Paradis
Acting Clerk of the Commission

Notice to: David Godbout
Assistant Attorney General Philip Miller

2015-03-31/FIC# 2013-051/Trans/wrbp/LFS//CAL

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

David Godbout,

Complainant

against

Docket #FIC 2013-051

Edward Meyer, Member, State of
Connecticut, Connecticut State Senate,

Respondent

March 30, 2015

The above-captioned matter was heard as a contested case on February 20, 2015, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. For purposes of hearing, the above-captioned matter was consolidated with Docket #FIC 2013-062; David Godbout v. Andrea Stillman, Member, State of Connecticut, Connecticut State Senate.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondent is a public agency within the meaning of §1-200(1), G.S.

2. It is found that on January 22, 2013, the complainant made a multi-part request to inspect records relating to "SB122," which referred to legislation proposed by the respondent. It is found, in particular, that the complainant's request included a request for printed records, electronic records and other records, and included a request for responsive records of the internet browsing history of the respondent's aide and all records pertaining to a certain website (<http://forum.opencarry.org>).

3. By letter filed February 4, 2013, the complainant appealed to this Commission, alleging that the respondent violated the Freedom of Information ("FOI") Act by failing to permit him to inspect the records he requested.

4. 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, ... whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

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

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. .

6. It is concluded that the records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

7. It is found that on February 13, 2013, the respondent replied to the complainant. It is found that the chief legal counsel for the Senate Democrats supervised the search. It is found that the attorney met with the respondent's senate aide and reviewed the request. It is found that the aide searched for responsive records, and met with the respondent to determine whether he maintained any responsive records that the aide did not discover in his search.

8. With respect to Items 1 and 2 of the complainant's request, which seeks records that relate to SB122 in general, the respondent provided a link to a report on the website of the Office of Legislative Research, as well as copies of e-mails.

9. With respect to Item 3, which seeks copies of the internet browsing history of the respondent's senate aide, it is found that at the time of the complainant's request, the respondent did not retain internet browser histories.

10. Similarly, it is found that the respondent informed the complainant that he does not maintain any records containing a directive to "spy...or otherwise examine websites that are thought to or are or may be opposed to SB122 and other gun control bills."

11. It is found that the respondent informed the complainant that he maintained no records of an internet search or examination of any websites related to SB122 or other gun control bills, including <http://forum.opencarry.org>.

12. It is found that the respondent informed the complainant that his senate aide received a "Google Alert" that the senator was mentioned in a post on the website referenced in paragraph 11, above, but it is found that the respondent did not, and does not, maintain a record of such "Google Alert."

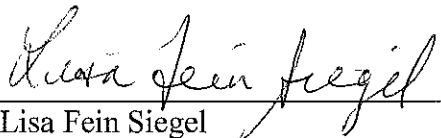
13. It is found that the respondent complied with the complainant's request.

14. The Commission in its discretion denies the complainant's request that the Commission subpoena the respondent's aide to testify about the scope of his search.

15. It is concluded that the respondent did not violate the FOI Act as alleged.

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.



Lisa Fein Siegel
as Hearing Officer