

Since 1975



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
Toll free (CT only): (866)374-3617 Tel: (860)566-5682 Fax: (860)566-6474 • www.state.ct.us/foi/ • email: foi@po.state.ct.us

David Godbout,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2013-062

Andrea Stillman, 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# 2013-062/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 2013-062

Andrea Stillman, 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 2013-051; David Godbout v. Edward Meyer, Member, State of Connecticut, Connecticut State Senate.

Following the hearing in this matter, the complainant and the respondent submitted affidavits as after-filed exhibits.

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 February 2, 2013, the complainant requested to inspect copies of records of “any type of meeting or meetings being discussed, mentioned, planned, cancelled, or otherwise described for the time period of 1 Jan 13 to the present in respect to the Senator or any of her staff.” The complainant instructed the respondent that he sought “any records produced from any meeting or anything that may be considered to be a meeting (using a most liberal definition) of any type...”

3. By letter filed February 7, 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 20, 2013, the respondent informed the complainant that any meetings responsive to the complainant's request were noticed on the General Assembly public website, along with related agendas and minutes.

8. It is found that later on February 20, 2013, the complainant told the respondent that he sought records pertaining to "any type of meeting," not exclusively "legislative committee meetings."

9. It is found that on March 15, 2013, the respondent provided the complainant with a copy of the relevant pages from the respondent's calendar on Microsoft Outlook.

10. It is found that such calendar contains several entries per day setting forth the respondent's appointments, including "staff meeting[s]," "organizational meeting[s]," "training" sessions, legislative "session," "breakfasts," "caucus," "committee meetings," etc.

11. It is found that the respondent redacted two items from the records provided to the complainant, to withhold personal appointments on two consecutive weekend days.


12. It is found that the respondent did not provide access to responsive records in a prompt manner.

13. It is also found that at the time of the complainant's request, the respondent maintained several responsive e-mails but the respondent failed to perform a diligent search for such e-mails or other responsive records.

14. It is concluded, therefore, that the respondent violated §§1-210(a), G.S.

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

1. The respondent shall conduct a search for e-mails and other records responsive to the complainant's request.



Lisa Fein Stegel
as Hearing Officer

FIC2013-062/HOR/LFS/03302015