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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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Michael Mascetti and Catherine Mascetti,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-459

Chief, Police Department, City of Torrington; and Police
Department, City of Torrington,
Respondent(s)

April 30, 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, May 27, 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 May 15, 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 May 15, 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 **fifteen (15) copies** be filed **ON OR BEFORE May 15, 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: Michael Mascetti and Catherine Mascetti
Raymond J. Rigat, Esq.

2015-04-30/FIC# 2014-459/Trans/wrbp/VRP//TCB

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Michael Mascetti and Catherine Mascetti,

Complainants

against

Docket #FIC 2014-459

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

Respondents

April 30, 2015

The above-captioned matter was heard as a contested case on March 30, 2015, at which time the complainants 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. By letter of complaint filed July 18, 2014, the complainants appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying their request for certain records pertaining to an infraction ticket issued to the complainants for failure to vaccinate their dogs.
3. It is found that the complainants made a written July 2, 2014 request to the respondents for copies of "the arrest statement and any additional documentation we are entitled to in connection with the ticket you issued to Michael Mascetti on March 18th, 2014." (It is found, however, that there was no arrest made in connection with the infraction ticket.)
4. It is found that the complainants received no response to their July 2, 2014 request.
5. 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, 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, printed, photostated, photographed or recorded by any other method.

6. 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.

7. 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.”

8. It is found that the respondents have the following records that are responsive to the complainants’ request:

- a. Incident Report Number 14-11156;
- b. Incident Report No. 14-11312
- c. Copies of Torrington Animal Hospital client and patient information for two dogs, Gunner and Lady, owned by the complainants;
- d. A copy of the complaint ticket R954653-1; and
- e. A copy of a subpoena issued to the Torrington Animal Control Officer.

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

10. The respondents maintain that they have no record of the complainant’s July 2, 2014 request, thus excusing their failure to comply.

11. However, it is found that the July 2, 2014 request was delivered by certified mail, return receipt requested, to the Records Department at the Torrington Police Department, and that the receipt was signed for by an individual there on July 3, 2014.

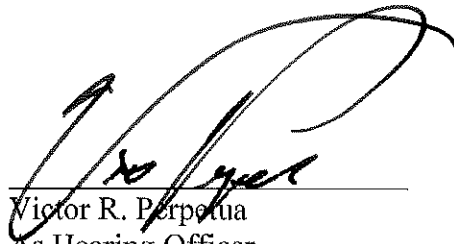
12. It is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by failing to respond to the complainant’s July 2, 2014 request.

13. At the hearing, the complainant Catherine Mascetti made numerous other allegations, including her treatment by the Torrington Police Department, the accuracy of the records maintained by the Torrington Police Department, and the individual who had called the police initially, all of which is beyond the jurisdiction of this Commission.

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

1. If they have not already done so, the respondents shall forthwith provide the complainants with copies of the records described in paragraph 8 of the findings, above, free of charge.

2. Henceforth, the respondents shall strictly comply with the requirements of §§1-210(a) and 1-212(a), G.S.



Victor R. Perpetua
As Hearing Officer