



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Vorcelia Oliphant,
Complainant(s)
against

Notice of Meeting

Tax Collector, City of Meriden; and City of Meriden,
Respondent(s)

Docket #FIC 2015-005

August 18, 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, September 9, 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 August 28, 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 August 28, 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 August 28, 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: Vorcelia Oliphant
John H. Gorman, Esq.

2015-08-18/FIC# 2015-005/Trans/wrbp/LFS/VB

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Vorcelia Oliphant,

Complainant

against

Docket #FIC 2015-005

Tax Collector, City of Meriden; and City
of Meriden,

Respondents

July 22, 2015

The above-captioned matter was heard as a contested case on July 7, 2015, 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 on October 20, 2014, the complainant requested a copy of all records for the tax bill for her property as of September 30, 2014. The complainant also sought a certified copy of the Release of Lis Pendens on her property, and “information” concerning a mistaken identification of a neighboring address as her address on the City’s tax website.
3. By letter mailed January 4, 2015, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide her with copies of all of the records she 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. It is found that all 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., to the extent that such records exist and are maintained by the respondents.

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, ... 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: “Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record. The type of copy provided shall be within the discretion of the public agency, except (1) the agency shall provide a certified copy whenever requested[.]”

8. Section 1-212(e), G.S., provides:

Except as otherwise provided by law, the fee for any person who has the custody of any public records or files for certifying any copy of such records or files, or certifying to any fact appearing therefrom, shall be for the first page of such certificate, or copy and certificate, one dollar; and for each additional page, fifty cents. For the purpose of computing such fee, such copy and certificate shall be deemed to be one continuous instrument.

9. It is found that when the respondents received the complainant’s request, the respondent tax collector was out on bereavement leave. It is found that tax collector’s office was in an unusually busy period dealing with water shut-offs. It is found that by mid-November, the task of responding to the complainant’s October 20, 2014 letter was assigned to the Delinquent Collector of Revenue in the tax collector’s office. It is found that the Delinquent Collector of Revenue was unfamiliar with the FOI Act and had never received, nor responded to, a request for records pursuant to the FOI Act.

10. It is found that the Delinquent Collector of Revenue researched and answered the complainant’s concerns about alleged tax delinquencies on her property. It is found that the complainant’s letter of October 20, 2014, contained not only requests for records, as described in paragraph 2, above, but also general requests for information and explanation concerning the tax collection history associated with the complainant’s property.

11. It is found that on November 24, 2014, the Delinquent Collector of Revenue completed a letter to the complainant in which she attempted to explain the relevant tax history for the complainant’s property and to address the complainant’s concerns that she had been billed for taxes that already had been paid.

12. It is found that the Delinquent Collector enclosed a print out of the Payment History Report associated with the complainant’s property from 2012 through September 30 2014.

13. It is found that on December 4, 2014, after further communication from the complainant disputing her tax payment history, the attorney for the respondents provided the complainant with another copy of the November 24, 2014 letter, which the complainant said she had not received, along with the Payment History Report. The attorney also provided a copy of the relevant Real Estate Delinquent Statement, and a copy of the Release of Lis Pendens.

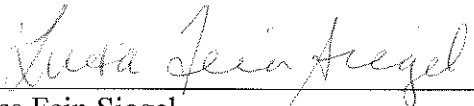
14. It is found that the Release of Lis Pendens was not a certified copy.

15. It is concluded that the respondents violated §1-212(a), G.S., by failing to provide a certified copy of the release.

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

1. The respondents shall forthwith provide the complainant with a certified copy of the Release of Lis Pendens, free of charge.

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



Lisa Fein Siegel
as Hearing Officer