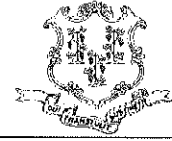


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FREEDOM OF INFORMATION



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Vorcelia Oliphant,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-138

Tax Assessor, Office of the Tax Assessor, City of
Meriden; Office of the Tax Assessor, City of Meriden; and
City of Meriden,
Respondent(s)

December 23, 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, January 13, 2016**. 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 4, 2016**. 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 4, 2016**. **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 January 4, 2016**, 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.

2015-12-23/FIC# 2015-138/Trans/wrbp/CAL/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 2015-138

Tax Assessor, Office of the Tax Assessor,
City of Meriden; Office of the Tax
Assessor, City of Meriden; Tax Collector,
Office of Tax Collector, City of Meriden;
And Office of Tax Collector, City of
Meriden,

Respondents

December 23, 2015

By letter dated April 15, 2015, the Commission advised the complainant that, unless she responded in writing, it would not take further action on her complaint because she did not file the complaint within thirty days of the alleged violation. By letter dated April 29, 2015, the complainant stated that she resubmitted her October 20, 2014 initial request in letters dated January 13 and January 23, 2015, and that she wished to pursue her complaint.

By motion dated September 23, 2015, the respondents moved that the case be dismissed or limited to exclude evidence of requests for records prior to January 21, 2014. The hearing officer ruled that the motion would be further considered at the hearing.

Accordingly, the above-captioned matter was heard as a contested case on September 29 and October 27, 2015, at which times the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The case caption has been amended to add the Tax Collector and the Office of Tax Collector, following a motion by the complainant and the absence of objection from respondents' counsel.

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 the complainant has been involved in a protracted property tax and records dispute with the taxing authorities of the City of Meriden. On September 9, 2015, the Commission completed adjudication of Docket #FIC 2015-005, Vorcelia Oliphant v. Tax Collector, City of Meriden; and City of Meriden. The Commission takes administrative notice of the record in Docket #FIC 2015-005.

3. It is found that, by letter dated January 23, 2015 to attorney Deborah Moore, the complainant renewed and incorporated her October 20, 2014 request, which was also the basis of the complaint in Docket #FIC 2015-005. Her October 20, 2014 request was for copies 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. This case is, therefore, the second case based on the complainant’s October 20, 2014 records request, but contested issues remain concerning compliance with the orders in Docket #FIC 2015-005, including the possibility that new records had been created within the scope of the request since the November 24, 2014 disclosure discussed in Docket #FIC 2015-005.

4. By letter dated February 17, 2015 and filed on February 19, 2015, the complainant again appealed to this Commission, alleging that the respondents violated the Freedom of Information Act (“FOIA”) by failing to provide her with copies of all of the records she had requested. Based on the January 23, 2015 renewal of the October 20, 2014 request, it is concluded that the Commission has jurisdiction pursuant to §1-206(b)(1), G.S.

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

6. Sections 1-210(a) and 1-212(a), G.S., state, respectively, in relevant parts:

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. (emphasis added)

...

Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record. (emphasis added)

7. 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.

8. It is found that the respondents were ordered in Docket #FIC 2015-005 to provide a certified copy of the Release of Lis Pendens to the complainant, free of charge, and that the certified copy was provided to the complainant on July 9, 2015. Moreover, the mistaken identification of a neighboring address as the address of the complainant on the City's tax website has been corrected.

9. It is found that the complainant's letter of October 20, 2014, contained not only requests for records, as described in paragraph 3, above, but also general requests for information and explanation concerning the tax collection history associated with the complainant's property. On November 24, 2014, the Delinquent Collector of Revenue completed a letter to the complainant, with attached records, in which she attempted to explain the relevant tax history for the complainant's property.

10. In the October 20, 2014 request letter and again at the September 29, 2015 hearing, the complainant alleged that she had been "erroneously billed" for her real estate taxes, by being billed for taxes that already had been paid. The Delinquent Collector of Revenue stated at the September 29, 2015 hearing that she would be happy to review the matter with the complainant at a separate meeting and that the complainant should bring copies of all cancelled checks for payments to the meeting. The complainant declined to attend such a meeting. The Commission does not have jurisdiction over this underlying tax dispute.

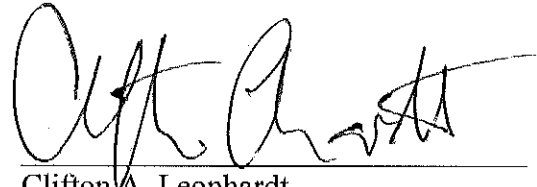
11. It is found that, following the September 29, 2015 hearing, and by letter dated October 6, 2015, the respondents forwarded to the complainant records detailing the complete payment history of the real estate taxes for the complainant's property from the Grand List of 2007 through 2014. Also included was the complete payment history for water and sewer usage from 2009 through 2015. It is further found that the records of this payment history were not within the scope of the October 20, 2014 records request in that it was not "for" the tax bill for her property as of September 30, 2014. Rather, the records of the payment history were provided in response to the complainant's request for explanation, as discussed at paragraph 9, above.

12. Based on the evidence presented at both the September 29 and the October 27, 2015 hearings, it is therefore found that the respondents have provided all the records that they maintain within the scope of the complainant's request. Moreover, the respondents have been forthcoming beyond the minimum legal requirements of the FOIA, as discussed at paragraphs 9 and 11, above.

13. It is concluded that the respondents did not violate §§1-210(a) and 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 complaint is dismissed.

A handwritten signature in black ink, appearing to read "Clifton A. Leonhardt". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Clifton A. Leonhardt
as Hearing Officer

FIC2015-138/HOR/CAL/12232015