



FREEDOM OF INFORMATION



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

Notice of Meeting

Docket #FIC 2012-413

Director, Housing Authority, Town of Mansfield;
and Housing Authority, Town of Mansfield,
Respondent(s)

December 19, 2012

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 23, 2013**. 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 11, 2013**. 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, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE January 11, 2013**. **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 January 11, 2013**, 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: James Findley
Director, Housing Authority, Town of Mansfield
Housing Authority, Town of Mansfield

12-19-12/FIC# 2012-413/Trans/wrbp/VDH//PSP

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

James Findley,

Complainant

against

Docket #FIC 2012-413

Director, Housing Authority,
Town of Mansfield; and
Housing Authority, Town of
Mansfield,

Respondents

December 19, 2012

The above-captioned matter was heard as a contested case on December 13, 2012, 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, by letter dated June 11, 2012, the complainant requested that the respondents provide him with copies of the following records:
 - a. Written "Telephone Logs" as compiled by Director Rebecca Fields during the time period of October 1, 2011 through June 1, 2012; and
 - b. Minutes from the Mansfield Housing Authority's ("MHA") April 19, 2012 monthly meeting.
3. It is found that, by letter dated June 19, 2012, the respondents acknowledged the complainant's request. It is further found that, at that time, the respondents provided the complainant with the records described in paragraph 2.b, above. Finally, it is found that the respondents informed the complainant that, because he had requested the telephone logs from a different time period in a previous Freedom of Information ("FOI") case, and because the Commission had yet to issue a final decision on whether those records were exempt from disclosure, they would not be releasing the requested telephone logs at that

time. See Docket #FIC 2011-615, James Findley v. Director, Housing Authority, Town of Mansfield; and Housing Authority, Town of Mansfield ("Findley 1").

4. By letter dated July 19, 2012 and filed July 24, 2012, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for copies of the records described in paragraph 2.a, above.

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 that:

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 supplied).

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 maintain the records described in paragraph 2.a, above, and it is therefore concluded that such records are "public records" and must be disclosed in accordance with §§1-210(a) and 1-212(a), G.S., unless they are exempt from disclosure.

9. The Commission takes administrative notice of the final decision in Findley 1. In that case, the Commission determined that Ms. Fields' telephone logs were not exempt from disclosure. The Commission further determined that, to the extent that the logs contained the names or phone numbers of any Section 8 recipients or applicants, the respondents could redact such individuals' last names and telephone numbers from the telephone logs before disclosing them to complainant. The Commission also takes

administrative notice of the fact that the final decision in Findly 1 issued on October 12, 2012, and that, therefore, the respondents had until November 26, 2012 to determine whether or not they wished to appeal such decision. See Conn. Gen. Stat. § 4-183 (c).

10. It is found that the telephone logs requested in this case and the telephone logs requested in Findley 1 are the same records, and that the only difference between the two requests is the time period to which the telephone logs pertain.

11. It is found that, under cover of letter dated November 20, 2012, the respondents provided the complainant with all of the telephone logs responsive to the complainant's request in both the instant case and in Findley 1.

12. With regard to the disclosure of records in the instant case, the complainant contends that the respondents violated the promptness requirement because they knew shortly after the issuance of the final decision in Findley 1 that the telephone logs, with the exception of some limited information, were not exempt from disclosure. Therefore, the complainant contends that it should not have taken the respondents until November 20, 2012 to provide him with copies of the telephone logs in this case.

13. The respondents contend that, upon receiving the final decision in Findley 1 they carefully considered the decision with their counsel, including reviewing the records for exempt information and considering whether or not to file an appeal.

14. It is found the respondents' testimony with regard to the time they took to consider the final decision in Findley 1 is credible. It is further found that there is no evidence in the record to support the argument that the respondents unduly delayed the disclosure of the records at issue in this case as a way to thwart the proceedings or to frustrate the complainant.

15. It is concluded that the respondents did not violate the promptness requirements of §§1-210(a) and 1-212(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 complaint is hereby dismissed.



Valicia Dee Harmon
as Hearing Officer