

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Katherine Camara,

Complainant

against

Docket # FIC 2016-0342

Robert Scannell, Town Manager, Town of
Watertown; and Town of Watertown,

Respondents

January 11, 2017

The above-captioned matter was heard as a contested case on October 11, 2016, 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 April 25, 2016, the complainant requested a copy of “any and all documents signed at the January 8, 2014 Police Commission meeting by any member of the Police Commission, Police Department or citizen in attendance at the meeting.”
3. By letter filed May 4, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide 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. 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.

6. 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.

7. It is found that if they exist, 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.

8. It is found that the complainant believes that the respondents signed a document at the meeting because an audio recording of the meeting appeared to contain a shuffling of papers and because a police commissioner referenced something that the commission had just “signed off” on.

9. It is found that the respondent town manager conducted a diligent investigation, including speaking with current and former commissioners and checking the paper file where such document would be filed if it existed, and determined that no document was signed. It is found that the town manager surmised that the “signed off” comment was a colloquialism referencing the commission’s agreement with a particular course of action.

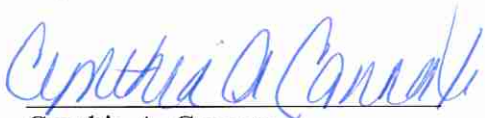
10. It is found that the respondents do not maintain any records responsive to the complainant’s request.

11. It is concluded, therefore, that the respondents did not violate the FOI Act as alleged.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 11, 2017.



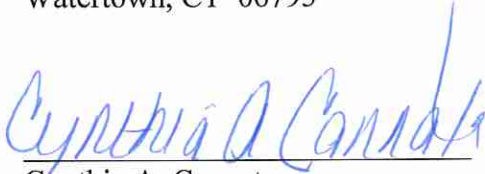
Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Katherine Camara
31 Cottage Place
Oakville, CT 06779

Robert Scannell, Town Manager, Town of Watertown;
and Town of Watertown
c/o Paul R. Jessell, Esq.
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Watertown, CT 06795



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