

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

NOTICE OF FINAL DECISION

Carl Thomas,

Complainant

against

Docket #FIC 2016-0531

Public Facilities Department, City of
Bridgeport; Information Technology
Services, City of Bridgeport; Office
of the Mayor, City of Bridgeport;
Parks and Recreation Department,
City of Bridgeport; and City of
Bridgeport,

Respondents

May 15, 2017

TO: Attorney Laura M. Mooney; Public Facilities Department, City of Bridgeport; Information
Technology Services, City of Bridgeport; Office of the Mayor, City of Bridgeport; Parks and
Recreation Department, City of Bridgeport; and City of Bridgeport c/o Office of the Corporation
Counsel.

This will serve as notice of the Final Decision of the Freedom of Information
Commission in the above matter as provided by §4-183(c), G.S. The Commission adopted the
Final Decision in the above-captioned case at its regular meeting of May 10, 2017.

By Order of the Freedom of
Information Commission



Cynthia A. Cannata
Acting Clerk of the Commission

CERTIFICATION OF SERVICE

I certify that a copy of the foregoing Notice of Final Decision, dated May 15, 2017, and Final Decision, dated May 10, 2017, was mailed today, May 15, 2017, via certified mail, to the following counsel and party of record:

Carl Thomas
c/o Laura M. Mooney
Morrissey, Morrissey, & Mooney, LLC
203 Church Street
P.O. Box 31
Naugatuck, CT 06770

Public Facilities Department, City of Bridgeport; Information
Technology Services, City of Bridgeport; Office of the Mayor,
City of Bridgeport; Parks and Recreation Department,
City of Bridgeport; and City of Bridgeport
c/o Office of the Corporation Counsel
999 Broad Street
Bridgeport, CT 06604



Cynthia A. Cannata
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May 10, 2017

The above-captioned matter was heard as a contested case on October 18, 2016, at which time the complainant appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint, but the respondents did not appear.

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 four separate letters each dated June 13, 2016, the complainant requested that the respondents provide him with copies of the following records:

Any and all communications, all department calendars—including office of the Mayor sign-up sheets [and] notices, including but not limited to emails and Twitter feeds, regarding a softball game between the City of Bridgeport Parks and Recreation Department and the Public Facilities Department which occurred on September 18, 2015 at Beardsley Park, Bridgeport. This request seeks all non-privileged information, including interdepartmental and inter-office mail concerning any aspect of the subject softball game, generated prior to and after the subject game.

3. By letter dated and filed July 22, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with copies of the records described in paragraph 2, above.

4. Section 1-206, G.S., provides, in relevant part, as follows:

(a) Any denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request. . . . Failure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed to be a denial.

(b)(1) Any person denied the right to inspect or copy records . . . may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed not later than thirty days after such denial. . . . For purposes of this subsection, such notice of appeal shall be deemed to be filed on the date it is received by said commission or on the date it is postmarked, if received more than thirty days after the date of the denial from which such appeal is taken.

5. Counsel for the complainant was the only person who appeared at the contested case hearing.

6. Based on the records submitted into evidence, it is found that each of the four requests for records was received by the respondents on June 15, 2016. It is therefore found that, in accordance with the provisions of §1-206(a), G.S., the complainant could have filed his appeal with the Commission as early as June 22, 2016. However, it is further found that, in accordance with the provisions of §1-206(b)(1), G.S., the complainant was required to file his appeal with the Commission no later than July 21, 2016.

7. It is found that the complainant’s appeal was both received by the Commission on July 22, 2016 and postmarked July 22, 2016.

8. Finally, counsel represented that, between the making of the requests on June 13, 2016 and the filing of the appeal on July 22, 2016, there were no communications between the parties.

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 May 10, 2017.



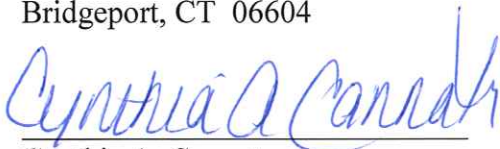
Cynthia A. Cannata
Acting Clerk of the Commission

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:

Carl Thomas
c/o Laura M. Mooney
Morrissey, Morrissey, & Mooney, LLC
203 Church Street
P.O. Box 31
Naugatuck, CT 06770

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