

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Constantinos Antonaras,

Complainant

against

Docket #FIC 2017-0498

Chief Public Defender, State of  
Connecticut, Office of the Public  
Defender; and State of Connecticut,  
Office of the Public Defender,

Respondents

April 25, 2018

The above-captioned matter was heard as a contested case on January 23, 2018, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOIC, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

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 application dated July 25, 2017, the complainant requested from the respondents bills and invoices submitted by investigator Mark Schachter for services rendered to the Office of the Chief Public Defender in connection with the complainant's habeas case, from September 2016 to April 2017. The complainant also requested records reflecting payments made to Mr. Schachter, such as cancelled checks, as well as all other "tangible information" pertaining to payments made to Mr. Schachter in connection with his habeas case.
3. It is found that, by letter dated July 27, 2017, the respondents acknowledged the request, described in paragraph 2, above, and informed the complainant that they would ascertain whether they maintained any records responsive to his request.
4. It is found that, by letter dated August 2, 2017, the respondents informed the complainant that they maintained only one responsive document, a completed "Authorization to Incur Expenses" form, and provided a copy of that document to the complainant.

5. In a second letter, also dated August 2, 2017, the respondent chief public defender explained to the complainant that no bills or invoices had been submitted to the respondent office by Mr. Schachter in connection with his habeas case, and that therefore, the bills and invoices he requested did not exist.

6. By letter dated August 9, 2017, and filed with the Commission on August 24, 2017, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with the request, described in paragraph 2, above.

7. 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 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

8. 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...(3) receive a copy of such records in accordance with section 1-212.

9. 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.”

10. It is found that the records requested by the complainant, to the extent they exist, are public records, within the meaning of §§1-200(5) and 1-210(a), G.S.

11. It is found that the respondents conducted a thorough search for the records requested by the complainant, and that, as of the date of the request, the only responsive record they maintained was the record, referenced in paragraph 4, above, which they provided to him.

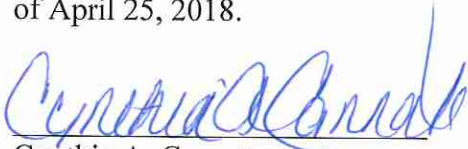
12. It is found that Mr. Schachter did not submit the invoice for services rendered in connection with the complainant’s habeas case to the respondent office until August 25, 2017, one month after the date of the complainant’s request. The respondents provided a copy of the invoice to the complainant on November 2, 2017.

13. Based upon the foregoing, it is concluded that the respondents did not violate §§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 dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of April 25, 2018.



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:

**CONSTANTINOS ANTONARAS, #322751**, Corrigan/Radgowski Correctional Center, 986 Norwich New London Turnpike, Uncasville, CT 06382

**CHIEF PUBLIC DEFENDER, STATE OF CONNECTICUT, OFFICE OF THE PUBLIC DEFENDER; AND STATE OF CONNECTICUT, OFFICE OF THE PUBLIC DEFENDER**, c/o Attorney Deborah Del Prete Sullivan, Office of Chief Public Defender, 30 Trinity Street, 4th Floor, Hartford, CT 06106 and Assistant Attorney General Steven R. Strom, Office of the Attorney General, 110 Sherman Street, Hartford, CT 06105



Cynthia A. Cannata  
Acting Clerk of the Commission