

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ethan Book,

Complainant

against

Docket #FIC 2017-0199

Director, Water Pollution Control
Authority, City of Bridgeport; Water
Pollution Control Authority, City of
Bridgeport; and City of Bridgeport,

Respondents

January 24, 2018

The above-captioned matter was heard as a contested case on June 6, 2017, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. This case was consolidated for hearing with Docket #FIC 2017-0198, Book v. Mayor, City of Bridgeport et al.; and Docket #FIC 2017-0217, Book v. City Attorney, Office of the City Attorney, City of Bridgeport et al.

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. By letter of complaint filed April 6, 2017, the complainant appealed to the Commission, alleging that the respondents failed to comply with his March 3 and March 21, 2017 requests for public records.
3. It is found that the complainant made a March 3, 2017 request, repeated on March 21, 2017, to the respondents for the following:
 - a. "A copy of the WPCA corporate charter;
 - b. "A copy of any established policy as to when the WPCA begins delinquency notices for customers who are in arrears in quarterly billings;
 - c. "A copy of sample delinquency notice;
 - d. "A copy of any established policy as to when the WPCA begins notice of impending foreclosure action;
 - e. "A copy of policy and authority for the WPCA to charge late fees and penalty interest;

- f. "A copy sample notice of impending foreclosure action;
- g. "A copy of any established policy as to when the WPCA actually begins foreclosure action;
- h. "A list of properties with owners' names which have been foreclosed for WPCA billis since January 1, 2014; and
- i. "The established procedure for the WPCA to sell foreclosed liens."

4. It is found that the respondents replied on March 22, 2017, providing a link to some responsive records. The complainant alleges in his complaint that this reply was not responsive to his request.

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:

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.

7. 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."

8. It is concluded that the requested records, to the extent they exist, are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

9. It is found that the respondents referred the complainant to the City Ordinances to view the charter requested in paragraph 2.a, above, to which the complainant did not object.

10. It is found that no records exist that are responsive to paragraphs 2.b, 2.d, 2.g and 2.h, above.

11. It is found that the respondents provided a link to and a copy of the requested delinquency notice described in paragraph 2.c, above, to which the complainant did not object.

12. It is found that the only records responsive to the portion of the requested described in paragraph 2.e, above, are located in the General Statutes. The respondents did generally refer the complainant to Chapter 103, which the complainant found unsatisfactory. The identification of the particular statutes that would answer the complainant's questions would require legal research by the respondents, which they are not obligated to undertake.

13. It is found that the respondents provided a copy of a sample notice of impending foreclosure responsive to the portion of the request described in paragraph 2.f, above.

14. It is found that the information requested in paragraph 2.h, above is contained on the state judicial department's website. The respondents have no list responsive to this request. The complainant contended that locating the foreclosures he seeks is like "looking for a needle in a haystack." However, the FOI Act does not require that the respondents conduct this research for the complainant.

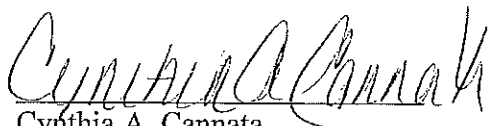
15. With respect to the portion of the request described in paragraph 2.i, above, it is found that the respondents only sell property, not "foreclosed liens," as referenced by the complainant. While the complainant contended that the respondents should have understood what the complainant was actually asking for, the respondents were entitled to rely on the language used by the complainant.

16. It is concluded that the respondents did not violate §1-212(a), G.S., 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 24, 2018.

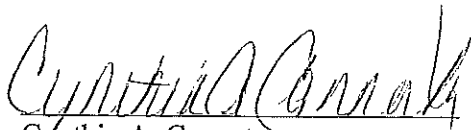

Cynthia A. Cannata
Acting Clerk of the Commission

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:

ETHAN BOOK, PO Box 1385, Fairfield, CT 06825

DIRECTOR, WATER POLLUTION CONTROL AUTHORITY, CITY OF BRIDGEPORT, WATER POLLUTION CONTROL AUTHORITY, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT, c/o Attorney Tamara Titre, City of Bridgeport, Office of the City Attorney, 999 Broad Street, Bridgeport, CT 06604



Cynthia A. Cannata
Acting Clerk of the Commission