

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ethan Book,

Complainant

against

Docket #FIC 2017-0217

City Attorney, Office of the City Attorney,
City of Bridgeport; Office of the City
Attorney, 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 2017-0199, Book v. Director, Water Pollution Control Authority, 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 17, 2017, the complainant appealed to the Commission, alleging that the respondents failed to comply with his March 27 and March 30, 2017 requests for public records.
3. It is found that the complainant made a March 27, 2017 request, “pertaining to the role of the Office of the City Attorney regarding foreclosures for WPCA bills and foreclosures for unpaid city taxes ...” to the respondents for “documentation which describes the properties and respective owners which have been foreclosed for city taxes since January 1, 2014.”
4. It is also found that the complainant made a March 30, 2017 request to the respondents, “pertaining to the role of the Office of the City Attorney regarding foreclosures for unpaid city taxes,” for “documentation which reflects ... the authority for the Office of the City Attorney to effect such sales of tax liens, and the established procedure for doing so.”
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 found that the respondents have no list of properties and owners responsive to the portion of the request described in paragraph 3, above. The parties agree that the information is available from the state judicial department website. The complainant believes that it would be easier for the respondents to obtain this information than for him to do so. However, the respondents are under no obligation to conduct research for the complainant.

9. It is found, with respect to the request described in paragraph 4, above, that the authority of the respondents is contained in the General Statutes, and that the respondents are not obligated to research the statutes to answer the complainant's questions.

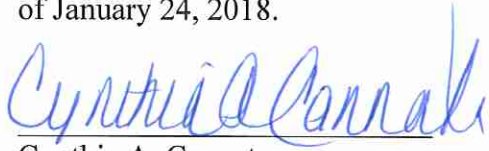
10. Also, it is found that the respondents have no record setting forth the procedure “to effect such sales of tax liens.”

11. 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.

A handwritten signature in blue ink that reads "Cynthia A. Cannata". The signature is written in a cursive style with a horizontal line underneath the name.

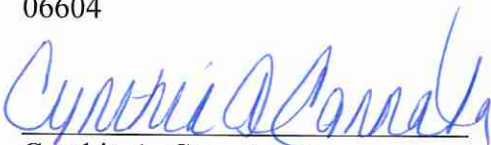
Cynthia A. Cannata
Acting Clerk of the Commission

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

CITY ATTORNEY, OFFICE OF THE CITY ATTORNEY, CITY OF BRIDGEPORT, OFFICE OF THE CITY ATTORNEY, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT c/o Attorney Tamara J. Titre,
Assistant City Attorney, Office of the City Attorney, 999 Broad Street, Bridgeport, CT 06604



Cynthia A. Cannata
Acting Clerk of the Commission