

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Timothy Townsend,

Complainant

against

Docket #FIC 2018-0429

Scott Semple, Commissioner, State of
Connecticut, Department of Correction;
and State of Connecticut, Department of
Correction,

Respondents

July 24, 2019

The above-captioned matter was heard as a contested case on June 17, 2019 at which time the complainant and the respondents appeared, stipulated to certain facts, 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.). A second hearing in the matter was held on July 15, 2019 at which time the respondents appeared and presented additional evidence; however, the complainant failed to appear at such second hearing. At the conclusion of the July 15, 2019 hearing the respondents moved to dismiss the matter for failure to prosecute. The motion was denied by the hearing officer.

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 on August 10, 2018, the complainant appealed to the Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide records responsive to three requests dated April 16, 2018, April 20, 2018, and July 30, 2018.
3. It is found that the complainant’s three requests referenced above were essentially all the same and requested the following records:
 - a. Itemized per diem list of the DOC food and beverage budget for each individual facility within DOC for fiscal years 2016, 2017 and 2018.
 - b. Itemized per diem list of the cost of food and beverage for each individual facility within DOC for fiscal years

2016, 2017 and 2018.

- c. Nutritional Services Operations Manual, including but not limited to the common-fare version of above manuals (current edition).
- d. Itemized per diem list of the common-fare food and beverage budget and actual costs for fiscal years 2016, 2017 and 2018.
- e. Itemized per diem list of the amount of federal funding received for/by food Services for fiscal years 2016, 2017 and 2018.
- f. Itemized per diem list of the amount of federal funding actually spent for/by food Services for each and every individual facility for fiscal years 2016, 2017 and 2018.
- g. List of all food vendors who provide foods and beverages to each individual facility along with an itemized list of the products they provided for fiscal years 2016, 2017 and 2018. (I'm requesting an itemized, per diem list).
- h. Itemized per diem list of the cost of each product purchased from each individual vendor for each individual facility, weekly, for fiscal years 2016, 2017 and 2018.
- i. Itemized per diem list of the foods and beverages donated to the DOC/Food Services for fiscal years 2016, 2017 and 2018.

4. Section 1-200(5), G.S., defines "public records or files" as follows:

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, (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.

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 the records requested by the complainant, to the extent that they exist, 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 respondents acknowledged the complainant’s request on two occasions. First, on April 19, 2018, when the respondents asked the complainant to clarify the years of the records being sought. The complainant submitted the clarification in his second request dated April 20, 2018. The second request was acknowledged by the respondents in a letter dated April 25, 2018.

9. It is found that the respondents provided a forty-three page document they deemed responsive to the complainant’s request as described in paragraph 3c, above, on July 2, 2018. Additionally, it is found that the respondents provided three documents they deemed responsive to the complainant’s request as described in paragraph 3b, above, on July 12, 2018.

10. It is found that the complainant signed a form acknowledging the receipt of records on July 2, 2018 and again on July 12, 2018, however on each occasion the complainant noted that the records received were not responsive to his request.

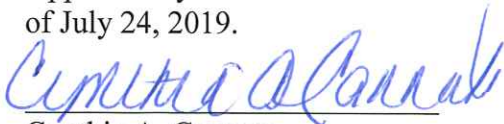
11. It is found that in a letter dated July 16, 2018, the respondents replied to the complainant’s request. With regard to items 3a, d, e, f, h, and i, above, the respondents contend they have no documents responsive to the request. With regard to item 3g, above, the respondents contend they have no records responsive to such request and suggested the complainant make a request to the Department of Administrative Services (DAS) for such records. It is found that the respondents have provided the complainant with all responsive records which they maintain.

12. It is concluded that the respondents did not violate the FOI Act, as alleged by the complainant.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 24, 2019.



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:

TIMOTHY TOWNSEND, #243804, Carl Robinson Correctional Institution, 285 Shaker Road, Enfield, CT 06082

SCOTT SEMPLE, COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION, c/o Attorney Jennifer Lepore, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission