



HALLORAN & HALLORAN
ATTORNEYS AT LAW

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April 19, 2011

The Freedom of Information Commission
18-20 Trinity Street
Hartford, CT 06106

Attorney Nathalie Feola-Guerrieri
Assistant Corporation Counsel
550 Main Street, Room 210
Hartford, CT, 06103

Re: FIC Docket No. 2011-015

Dear Sir or Madam:

Enclosed please find the most recent letter of request in this matter, which was mailed to the Respondents on March 10, 2011. (attached hereto as Exhibit 1) Respondents have not complied with the February 8, 2011 freedom of information request and have not complied with the February 11, 2011 freedom of information request. Respondents have only partially complied with the December 9, 2011 freedom of information request.

The February 8, 2011 and February 11, 2011 freedom of information requests stem from the December 20, 2010 freedom of information request, in which Complainant requested "private duty job slips, overtime cards, time cards and compensation cards for the five individuals with the highest gross income within the following ranks: (1) officer, (2) sergeant, (3) lieutenant and (4) captain. (attached hereto as Exhibit 2) Despite having supporting documents in their immediate possession, corporation counsel withheld the records and stated the "Freedom of Information Request does not require that the Department create documents that do not exist." (attached hereto as Exhibit 3) This assertion misstates the law. *See Findley v. Pamela Law, Commissioner of Connecticut Revenue Services, Docket # FIC 2009-093 (June 25, 2009).*

The Complainant located and identified the officers with the highest gross income within the ranks of the Hartford Police Department, online at www.ctsunlight.org. The person who compiled the information for the Yankee Institute informed us that he also experienced issues with the corporation counsel's office. We immediately re-filed our request for information intensifying the individuals in each category. Once again, the corporation counsel's office stalled and at the end cited "internal issues" within their office as the reason for the prolonged delay. (attached hereto as Exhibit 3). In an attempt to cooperate with the office of the corporation counsel and speed up the process, Complainant revised the original December 20, 2010 freedom of information request and separated it into two separate freedom of information requests (February 8, 2011 and February 11, 2011).¹

In this matter, Complainant has repeatedly asked the Respondents to setup a scheduling order for compliance. To date, Respondents have refused to even discuss setting up such an order with the Complainant or the ombudswoman assigned to this matter.

Complainant has cooperated and worked with the ombudswoman assigned to this matter and Respondents have failed to even return the ombudswoman's phone calls.

The failure of the Respondents to comply has serious consequences. The Complainant, a police officer, has been charged with two counts of first degree larceny involving allegedly falsified time cards. In order, to defend himself against these charges the Complainant needs to review and analyze the time cards and private duty slips of the designated employees. The failure to produce these records has already caused a delay in the criminal proceedings. The intentional delays by the Respondents in providing this necessary information is clearly an attempt to stall until such time that the records are no longer of assistance, frustrating the Complainant's exercise of his constitutional right to a fair trial. Upon information and belief, the Complainant states that the requested records will demonstrate a widespread pattern of conflict between times listed in private duty slips and times listed on weekly time cards, thus proving the Complainant's contention that the system of timekeeping by the Hartford Police Department was hopelessly flawed.

Complainant is seeking the maximum penalty allowable under Connecticut General Statute § 1-240. Respondents have refused to setup a scheduling order to provide any of the documents requested or to even have the common courtesy to attempt to work out a solution. The Respondents complete refusal to comply with the law is part of a pattern of such activity by the City of Hartford and the specific attorneys involved in the defense of the City of Hartford. The only way to ensure compliance with the laws of the State of Connecticut is to impose a maximum fine for each of the individual records, which the city has refused to produce, sixty-nine different requests, each meriting a maximum penalty of \$1,000.

In addition, Respondents have failed to fully comply with the records requested in the December 9, 2010 freedom of information request and Complainant is seeking an additional

¹ Complainant believes the letter from corporation counsel's office in response to the December 20, 2010 freedom of information request demonstrates the assistant corporation counsel's lack of understanding and/or unwillingness to comply with the Freedom of Information Act.

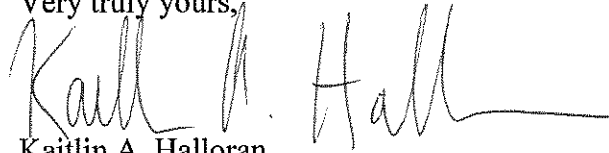
Freedom of Information Commission

April 19, 2011

Page 3 of 3

\$1,000 penalty for each of those requests. Complainant is seeking a total of \$83,000 in penalties against the Respondents.

Very truly yours,



A handwritten signature in cursive script that reads "Kaitlin A. Halloran". The signature is written in black ink and is positioned to the right of the typed name.

Kaitlin A. Halloran

Exhibit 1

Law Offices of R. Bartley Halloran

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P.O. BOX 887
FARMINGTON, CT 06034-0887

March 10, 2011

Daryl K. Roberts, Chief of Police
Hartford Police Department
50 Jennings Road
Hartford, CT 06120

Re: Partial Compliance with December 9, 2010 Freedom of Information Request/No
Compliance with February 8, 2011 or February 11, 2011 Freedom of Information Requests

Dear Chief Daryl K. Roberts:

We have reviewed every document supplied by the Hartford Police Department in response to our December 9, 2010 Freedom of Information Request. We wanted to remind the Department that they have only partially complied with the request. We are still missing the following responsive documents:

- a. 7/26/09-7/31/09 Private Duty Job Slips for (1) Jeffrey Morande, (2) William Rea, (3) Jeffrey Morrison, (4) Theresa Velez, (5) Peter Lynch, (6) Steve Kessler, (7) Anthony Rinaldi, (8) Miguel Maldonado, (9) Gamiel Perez, (10) Michael Verrengia, (11) James Rinaldi, (12) David Marinelli, (13) Thomas Knapp, (14) Carlos Faienza and (15) Theodore Sposito.
- b. August 2009 Private Duty Job Slips for (1) Jeffrey Morande, (2) William Rea, (3) Jeffrey Morrison, (4) Theresa Velez, (5) Peter Lynch, (6) Steve Kessler, (7) Anthony Rinaldi, (8) Miguel Maldonado, (9) Gamiel Perez, (10) Michael Verrengia, (11) James Rinaldi, (12) David Marinelli, (13) Thomas Knapp, (14) Carlos Faienza and (15) Theodore Sposito.
- c. September 2009 Private Duty Job Slips for (1) Jeffrey Morande, (2) William Rea, (3) Jeffrey Morrison, (4) Theresa Velez, (5) Peter Lynch, (6) Steve Kessler, (7) Anthony Rinaldi, (8) Miguel Maldonado, (9) Gamiel Perez, (10) Michael Verrengia, (11) James Rinaldi, (12) David Marinelli, (13) Thomas Knapp, (14) Carlos Faienza and (15) Theodore Sposito.
- d. 10/1/09-10/4/09 Private Duty Job Slips for (1) Jeffrey Morande, (2) William Rea, (3) Jeffrey Morrison, (4) Theresa Velez, (5) Peter Lynch, (6) Steve Kessler, (7) Anthony Rinaldi, (8) Miguel Maldonado, (9) Gamiel Perez, (10) Michael Verrengia, (11) James Rinaldi, (12) David Marinelli, (13) Thomas Knapp, (14) Carlos Faienza and (15) Theodore Sposito.

- e. Time card, overtime cards and compensation cards for Peter Lynch for the week of 9/20/09-9/26/09.
- f. Time card, overtime cards and compensation cards for Michael Verrengia for the week of 1/18/09-1/24/09.
- g. Time card, overtime cards and compensation cards for Steve Kessler for the week of 8/16/09-8/22/09.
- h. Time card, overtime cards and compensation cards for Theodore Sposito for the week of 6/28/09-7/4/09.
- i. Time card, overtime cards and compensation cards for Anthony Rinaldi for the week of 10/18/08-10/25/08.
- j. Time card, overtime cards and compensation cards for Jeffrey Morande for the week of 9/14/08-9/20/08
- k. Time card, overtime cards and compensation cards for Jeffrey Morande for the week of 11/24/08-11/29/08
- l. Time card, overtime cards and compensation cards for William Rea for the week of 10/19/08-10/25/08.
- m. Time card, overtime cards and compensation cards for William Rea for the week of 5/17/09-5/23/09.
- n. Time card, overtime cards and compensation cards for (1) Jeffrey Morande, (2) William Rea, (3) Jeffrey Morrison, (4) Theresa Velez, (5) Peter Lynch, (6) Steve Kessler, (7) Anthony Rinaldi, (8) Miguel Maldonado, (9) Gamiel Perez, (10) Michael Verrengia, (11) James Rinaldi, (12) David Marinelli, (13) Thomas Knapp, (14) Carlos Faienza and (15) Theodore Sposito for the week of 9/20/09-9/26/09.

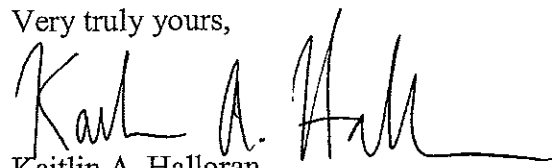
Please notify our office as soon as these documents are ready to be picked up. As previously noted, I am ready and willing to comply with the Hartford Police Department policy of charging \$.50 per page for any document duplicated.

My office is also still waiting on documents responsive to our February 8, 2011 Freedom of Information Request (attached hereto as Exhibit A) as well as our February 11, 2011 Freedom of Information Request (attached hereto as Exhibit B). Please provide us with a schedule that states when your office will comply with the law and provide the documents responsive to the freedom of information requests.

If you wish to discuss a potential scheduling order, we can be reached at rhalloran@ldlaw.com, on R. Bartley Halloran's cell phone (860)690-2032, R. Bartley Halloran's work phone (860)676-3222 and Kaitlin A. Halloran's work phone (860)676-3123.

Thank you in advance and we appreciate your cooperation in this matter.

Very truly yours,



Kaitlin A. Halloran
Counsel to Hector Robles

Exhibit A

Law Offices of R. Bartley Halloran

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(860) 676-3222
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FARMINGTON, CT 06034-0887

February 8, 2011

Daryl K. Roberts, Chief of Police
Hartford Police Department
50 Jennings Road
Hartford, CT 06120

Re: Freedom of Information Request – Hector Robles

Dear Chief Daryl K. Roberts:

Pursuant to the Connecticut Freedom of Information Act (Connecticut General Statutes Section 1-200 et. seq.), please provide the following documents:

1. Private duty job slips, overtime cards, time cards and compensation cards (“comp cards”) for the following police officers from January 1, 2008 to December 31, 2008.

- a. Donald Rodriguez
- b. Milton Saavedra
- c. Peter Shon
- d. Ramon Baez
- e. Vidal Bustamante
- f. Mark Castagna
- g. Seth Condon
- h. Nazario Figueroa
- i. Edward Foster
- j. Nestor Caraballo
- k. Jeffrey Hopkins
- l. Renaul Johnson
- m. Kent Lee
- n. Donald Linde
- o. Ricardo Martinez
- p. Angel Otero
- q. Danny Mui
- r. Brenon Plourde
- s. Jaime Rios
- t. Gustavo Rodriguez
- u. Maurice Washington

2. Private duty job slips, overtime cards, time cards and compensation cards ("comp cards") for the following police officers from January 1, 2009 to December 31, 2009.

- a. Matthew Labbe
- b. Daniel Aucciello
- c. Vidal Bustamante
- d. Mark Castagna
- e. Jeffrey Hopkins
- f. Renaul Johnson
- g. Kent Lee
- h. Donald Linde
- i. Angel Otero
- j. Danny Mui
- k. Peter Shon
- l. Maurice Washington

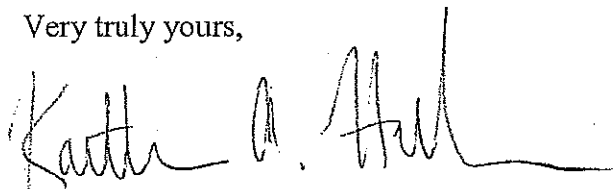
I am ready and willing to send a check for the copy fee applicable under Connecticut General Statute Section 1-212 as soon as I am notified how many pages need to be duplicated.

You are welcome to comply with the request in stages, but please contact our office so we have an approximate idea of when the documents will be ready for pick up.

We can be reached at rhalloran@ldlaw.com, on R. Bartley Halloran's cell (860)690-2032, R. Bartley Halloran's work phone (860)676-3222 and Kaitlin Halloran's work phone (860)676-3123.

Thank you in advance and we appreciate your cooperation in this matter.

Very truly yours,



Kaitlin A. Halloran
Counsel to Hector Robles

Exhibit B

Law Offices of R. Bartley Halloran

R. BARTLEY HALLORAN
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(860) 676-3222
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FARMINGTON, CT 06032
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P.O. Box 887
FARMINGTON, CT 06034-0887

February 11, 2011

Daryl K. Roberts, Chief of Police
Hartford Police Department
50 Jennings Road
Hartford, CT 06120

Re: Freedom of Information Request – Hector Robles

Dear Chief Daryl K. Roberts:

Pursuant to the Connecticut Freedom of Information Act (Connecticut General Statutes Section 1-200 et. seq.), please provide the following documents:

1. Private duty job slips, overtime cards, time cards and compensation cards (“comp cards”) for the following police sergeants from January 1, 2008 through December 31, 2008.

- a. John Bremser
- b. Winston Brooks
- c. Burke Martin
- d. Robert Cronin
- e. Robert Davis
- f. Matthew Eisele
- g. Mack Hawkins
- h. Robert Klin
- i. Andrew Lawrence
- j. Glendaly MacCi
- k. Felix Ortiz
- l. Perri Garth
- m. Eric Smith
- n. Shawn St. John
- o. Ian Thompson
- p. Gregory Weston

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- a. John Bremser
- b. Winston Brooks

- c. Robert Cronin
- d. Robert Davis
- e. Matthew Eisele
- f. Mack Hawkins
- g. Robert Klin
- h. Andrew Lawrence
- i. Glendaly MacCi
- j. Dennis O'Connor
- k. Perri Garth

3. Private duty job slips, overtime cards, time cards and compensation cards ("comp cards") for the following police lieutenants from January 1, 2008 through December 31, 2008.

- a. Ronald Bair
- b. Robert Allan
- c. Kevin Ahlquist
- d. Patrick Jobes
- e. Mark Tedeschi

4. Private duty job slips, overtime cards, time cards and compensation cards ("comp cards") for the following police lieutenants from January 1, 2009 through December 31, 2009.

- a. Ronald Bair
- b. Robert Allan
- c. Patrick Jobes
- d. Mark Tedeschi

I am ready and willing to send a check for the copy fee applicable under Connecticut General Statute Section 1-212 as soon as I am notified how many pages need to be duplicated.

You are welcome to comply with the request in stages, but please contact our office so we have an approximate idea of when the documents will be ready for pick up.

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Thank you in advance and we appreciate your cooperation in this matter.

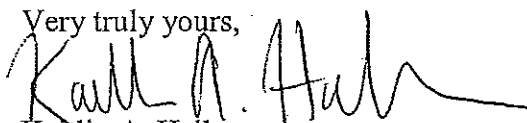
Very truly yours,

Kaitlin A. Halloran
Counsel to Hector Robles

Exhibit 2

Law Offices of R. Bartley Halloran

R. BARTLEY HALLORAN
DIRECT DIAL
(860) 676-3222
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February 8, 2011

Daryl K. Roberts, Chief of Police
Hartford Police Department
50 Jennings Road
Hartford, CT 06120

Re: Freedom of Information Request – Hector Robles

Dear Chief Daryl K. Roberts:

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- f. Mark Castagna
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- h. Nazario Figueroa
- i. Edward Foster
- j. Nestor Caraballo
- k. Jeffrey Hopkins
- l. Renaul Johnson
- m. Kent Lee
- n. Donald Linde
- o. Ricardo Martinez
- p. Angel Otero
- q. Danny Mui
- r. Brenon Plourde
- s. Jaime Rios
- t. Gustavo Rodriguez
- u. Maurice Washington

2. Private duty job slips, overtime cards, time cards and compensation cards ("comp cards") for the following police officers from January 1, 2009 to December 31, 2009.

- a. Matthew Labbe
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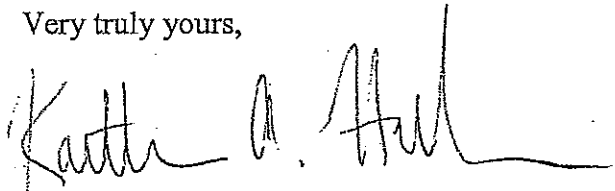
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Thank you in advance and we appreciate your cooperation in this matter.

Very truly yours,



Kaitlin A. Halloran
Counsel to Hector Robles

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February 11, 2011

Daryl K. Roberts, Chief of Police
Hartford Police Department
50 Jennings Road
Hartford, CT 06120

Re: Freedom of Information Request – Hector Robles

Dear Chief Daryl K. Roberts:

Pursuant to the Connecticut Freedom of Information Act (Connecticut General Statutes Section 1-200 et. seq.), please provide the following documents:

1. Private duty job slips, overtime cards, time cards and compensation cards (“comp cards”) for the following police sergeants from January 1, 2008 through December 31, 2008.

- a. John Bremser
- b. Winston Brooks
- c. Burke Martin
- d. Robert Cronin
- e. Robert Davis
- f. Matthew Eisele
- g. Mack Hawkins
- h. Robert Klin
- i. Andrew Lawrence
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- k. Felix Ortiz
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- p. Gregory Weston

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- a. John Bremser
- b. Winston Brooks

- c. Robert Cronin
- d. Robert Davis
- e. Matthew Eisele
- f. Mack Hawkins
- g. Robert Klin
- h. Andrew Lawrence
- i. Glendaly MacCi
- j. Dennis O'Connor
- k. Perri Garth

3. Private duty job slips, overtime cards, time cards and compensation cards ("comp cards") for the following police lieutenants from January 1, 2008 through December 31, 2008.

- a. Ronald Bair
- b. Robert Allan
- c. Kevin Ahlquist
- d. Patrick Jobes
- e. Mark Tedeschi

4. Private duty job slips, overtime cards, time cards and compensation cards ("comp cards") for the following police lieutenants from January 1, 2009 through December 31, 2009.

- a. Ronald Bair
- b. Robert Allan
- c. Patrick Jobes
- d. Mark Tedeschi

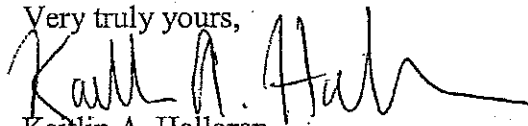
I am ready and willing to send a check for the copy fee applicable under Connecticut General Statute Section 1-212 as soon as I am notified how many pages need to be duplicated.

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We can be reached at rhalloran@ldlaw.com, on R. Bartley Halloran's cell (860)690-2032, R. Bartley Halloran's work phone (860)676-3222 and Kaitlin Halloran's work phone (860)676-3123.

Thank you in advance and we appreciate your cooperation in this matter.

Very truly yours,



Kaitlin A. Halloran
Counsel to Hector Robles

Exhibit 3

Law Offices of R. Bartley Halloran

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FARMINGTON, CT 06034-0887

December 20, 2010

Daryl K. Roberts, Chief of Police
Hartford Police Department
50 Jennings Road
Hartford, CT. 06120

Re: Freedom of Information Request- Officer Hector Robles

Dear Chief Daryl K. Roberts:

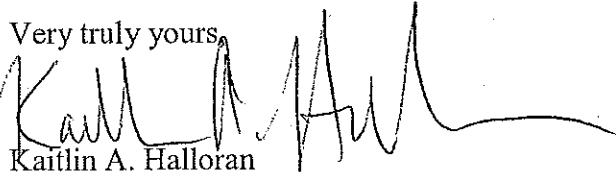
Pursuant to the Connecticut Freedom of Information Act (Connecticut General Statutes Section 1-200 et. seq.), please provide copies of the following documents:

1. Private duty job slips, overtime cards, time cards, and compensation cards (“comp cards”) for the five individuals with the highest gross income (salary + private duty job + overtime + comp time) for 2010, 2009 and 2008 within the following ranks: (1) officer, (2) sergeant, (3) lieutenant and (4) captain.
 - a. For example, the private duty job slips, overtime cards, time cards and comp cards for the five officers with the highest gross income for 2010. Then repeat 2009 and 2008.

I am ready and willing to send a check for the copy fee applicable under Connecticut General Statute Section 1-212. Time is of the essence and we appreciate your cooperation in this matter.

We can be reached at rhalloran@ldlaw.com, on R. Bartley Halloran’s cell (860) 690-2032, R. Bartley Halloran’s work phone (860) 676-3222 and Kaitlin Halloran’s work phone (860) 676-3123. Thank you in advance.

Very truly yours,


Kaitlin A. Halloran

Counsel to Hector Robles



CITY OF HARTFORD

HARTFORD POLICE DEPARTMENT

50 Jennings Road
Hartford, Connecticut 06120

Telephone: (860) 757-4000
Fax: (860) 722-8270
www.hartford.gov



PEDRO E. SEGARRA
Mayor

DARYL K. ROBERTS
Chief of Police

December 30, 2010

Kaitlin A. Halloran
P.O. Box 887
Farmington, CT 06034

Re: Freedom of Information Re: Hector Robles

Dear Attorney Halloran:

In response to your correspondence dated December 20, 2010, requesting information pursuant to the Freedom of Information Act, please be advised that the Hartford Police Department does not maintain a document which lists the highest gross incomes for each rank in the Hartford Police Department. However if you were to supply us with, i.e., a list of names for which you were interested in receiving such information, or any other information that may get you the same results, we would certainly attempt to compile records available.

As previously stated the cost for duplication of any document is \$0.50 per page. The documents will be reproduced and forwarded to you upon receipt of payment.

Sincerely,

A handwritten signature in black ink, appearing to read "Daryl K. Roberts".

Daryl K. Roberts
Chief of Police

Law Offices of R. Bartley Halloran

R. BARTLEY HALLORAN
DIRECT DIAL
(860) 676-3222
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FARMINGTON, CT 06034-0887

January 14, 2011

Daryl K. Roberts, Chief of Police
Hartford Police Department
50 Jennings Road
Hartford, CT. 06120

Re: Freedom of Information Request- Officer Hector Robles (mailed on Dec. 20, 2010)

Dear Chief Daryl K. Roberts:

Thank you very much for your response mailed on January 4, 2011. Even though the Hartford Police Department "does not maintain a document which lists the highest gross income for each rank in the Hartford Police Department," we are still entitled to this information under the Freedom of Information Law. *See Findley v. Pamela Law, Commissioner of Connecticut Revenue Services*, Docket #FIC 2009-093 (June 25, 2009) (attached hereto as Exhibit A).

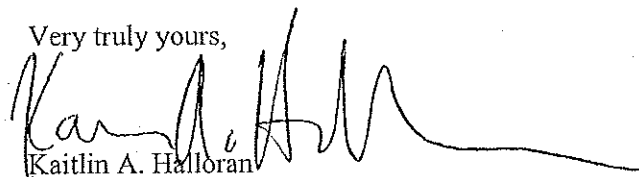
The Hartford Police Department has the supporting documents to easily compile this list. The data maintained in your payroll systems are public records within the meaning of Conn. Gen. Stat. § 1-211(a). The payroll office issues a check each week that includes weekly salary, private duty jobs, compensation time and overtime pay. Each police officer receives *one* check each week. The pay stub also contains an aggregate total throughout the year. Carmen Rivas in the payroll office should be able to compile a list of year end payouts to members of the Hartford Police Department.

If the Hartford Police Department believes it is too burdensome to go through the list and identify the five highest payouts within each rank, I would be more than happy to come to the Hartford Police Department and categorize the names for you. Please let me know as soon as possible and I will schedule an appointment.

We are trying to make sure this FOI request is not a time-consuming process for the Hartford Police Department. As previously stated, I am willing and able to pay the cost for duplication of \$.50 per page as soon as I am *notified* how many pages need to be duplicated.

We can be reached at rchalloran@ldlaw.com, on R. Bartley Halloran's cell (860) 690-2032, R. Bartley Halloran's work phone (860) 676-3222 and Kaitlin Halloran's work phone (860) 676-3123. Thank you in advance.

Very truly yours,


Kaitlin A. Halloran
Counsel to Hector Robles

**FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT**

In the Matter of a Complaint by

FINAL DECISION

James M. Findley,

Complainant

against

Docket #FIC 2009-093

Pamela Law, Commissioner, State of
Connecticut, Department of Revenue Services;
and State of Connecticut, Department of
Revenue Services,

Respondents

June 25 , 2009

The above-captioned matter was heard as a contested case on May 14, 2009, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. 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 letter dated January 27, 2009, the complainant requested a copy of the "Department of Revenue Services A&R Union (P-5) layoff seniority list as of the January 8th, 2009] 'payroll confirm date' as currently available through the Core^[1] payroll system."
3. It is found that the respondents informed the complainant by letter dated February 2, 2009 that they were unable to comply with his request, described in paragraph 2, above, because "it involves the request of a record that does not exist."
4. It is found that by letter dated February 6, 2009, the complainant challenged the respondents' claim that they were unable to comply with his request for records. It is further found that the complainant provided the respondents with pages from the Core-CT payroll system website that included precise 13-step instructions on how to run the layoff seniority list from the respondents' database on Core-CT.
5. By letter dated February 14, 2009, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the records he requested, described in paragraph 2, above.
6. Section 1-200(5), G.S., in relevant part, defines "public records" as follows:

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, ... whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.
7. 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 inspect such records promptly during regular office or business hours or to receive a copy of such records in

accordance with the provisions of section 1-212.

8. Section 1-212(a), G.S., provides: "Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record."

9. It is concluded 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.

10. Section 1-211(a), G.S., provides:

Any public agency which maintains public records in a computer storage system shall provide, to any person making a request pursuant to the Freedom of Information Act, a copy of any nonexempt data contained in such records, properly identified, on paper, disk, tape or any other electronic storage device or medium requested by the person, if the agency can reasonably make such copy or have such copy made.

11. It is also found that the Core payroll system is an electronic database maintained by the respondents. It is found that the data are public records maintained in a computer storage system, within the meaning of §1-211(a), G.S.

12. The respondents claim that because they had not compiled a layoff seniority list for the A&R union from their payroll database, they were not obligated to create the list for the complainant.

13. The complainant, however, contends that, although the respondents did not maintain the precise report he requested, they did maintain as public records the electronic data from which such a report could easily be compiled.

14. It is found that on February 9, 2009, the respondents received the instructions from the complainant on how to run the layoff seniority report. It is found that the respondents compiled the report according to the instructions in 10 to 15 minutes and ultimately provided it to the complainant on February 28, 2009. It is found that such report is responsive to the complainant's request, described in paragraph 2, above.

15. It is found that the complainant did not hear from the respondents after he sent them the 13-step procedure on February 6, 2009, described in paragraph 4, above, until February 28, 2009, when he received the records he requested. It is found that the respondents ran the report on February 20, 2009 but did not send it to the complainant until February 26, 2009. It is further found that the respondents did not claim that any of the information on the report was exempt from disclosure.

16. The complainant claims, credibly, that the respondents failed to perform a diligent search for the record he requested, until he told them how to do so. It is found that the complainant discovered the 13-step instructions on how to run the layoff seniority list through his personal search on the Core-CT website. It is found that the complainant does not have any particular expertise in payroll, Core-CT, or the precise format of the information in the database.

17. It is found that the 13-step procedure that the complainant gave to the respondents should have been easy for the respondents to discover and was, in fact, easy to perform.

18. It is found that, in light of the circumstances of this case, it was insufficient for the respondents to claim that they do not maintain the record requested by the complainant, because they did maintain the supporting data and it was a straightforward procedure to draw on such data to compile the record requested.

19. It is found, therefore, that the respondents could "reasonably" make the record requested by the complainant within the meaning of §1-211, G.S.

20. It is found that drawing information from the electronic database in order to comply with the complainant's request is analogous, conceptually, to pulling hard copies of records from various files in a file drawer, stapling them together, and providing them to a complainant as a report. It is found that the 13-step procedure that the respondents ultimately used to compile the record requested by the complainant did not require research, analysis, or the exercise of professional discretion.

21. It is found, therefore, that the respondents failed to perform a diligent search for records responsive to the complainant's request, described in paragraph 2, above.

22. It is concluded that the respondents violated the promptness provisions of the FOI Act by failing to provide such records promptly to the complainant.

23. The Commission declines to consider the complainant's request for the imposition of a civil penalty against the respondents.

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

1. Henceforth, the respondents shall comply with the promptness requirements of the FOI Act.

Approved by Order of the Freedom of Information Commission at its special meeting of June 25, 2009.

Petrea A. Jones
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:

James M. Findley
414 S. Eagleville Road
Storrs, CT 06268

Pamela Law, Commissioner, State of
Connecticut, Department of Revenue
Services; and State of Connecticut,
Department of Revenue Services
c/o Louis P. Bucari, Esq. and
Shawn M. Sims, Esq.
Department of Revenue Services
Litigation Division – 19th Floor
25 Sigourney Street
Hartford, CT 06106

Petrea A. Jones
Acting Clerk of the Commission

FIC/2009-093FD/paj/6/29/2009

¶ It is found that Core, or Core-CT, is Connecticut state government's central financial and administrative computer system. The system encompasses central and agency accounting functions, including human resource management systems such as payroll, time and labor, and human resources.



CITY OF HARTFORD

OFFICE OF THE CORPORATION COUNSEL

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Hartford, Connecticut 06103

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Fax: (860) 722-8114

www.hartford.gov

SAUNDRA KEE BORGES
Corporation Counsel

CARL R. NASTO
Deputy Corporation Counsel

January 28, 2011

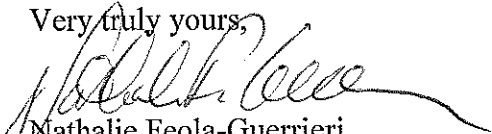
Kaitlin A. Halloran, Esq.
Law Offices of R. Bartley Halloran
P.O. Box 887
Farmington, CT 06034-0887

Re: Freedom of Information Act Request – Hector Robles (December 20, 2010)

Dear Attorney Halloran:

Your correspondence dated January 14, 2011 to the Chief of Police, Daryl K. Roberts, has been forwarded to my attention for response. The Freedom of Information Act does not require that the Department create documents that do not exist. Please once again refer to the Department's response dated January 4, 2011. If there are documents that you request, please make the request for the specific documents you seek and to the extent such documents exist and are not protected from disclosure, the Department shall provide accordingly.

Very truly yours,


Nathalie Feola-Guerrieri
Assistant Corporation Counsel

cc: Det. U. Wiebusch, Civil Litigation Officer

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FARMINGTON, CT 06034-0887

February 7, 2011

Nathalie Feola-Guerrieri
Assistant Corporation Counsel
550 Main Street
Hartford, CT 06103

Daryl K. Roberts
Chief of Police
50 Jennings Road
Hartford, CT 06120

Re: Freedom of Information Request - Officer Hector Robles (mailed December 20, 2010)

Dear Attorney Feola-Guerrieri:

Thank you very much for your response dated January 28, 2011. I appreciate your attention to this matter. However, you failed to address the issues raised in my January 14, 2011 letter to the Hartford Police Department ("Department") (attached hereto as Exhibit A). Please once again refer to my correspondence dated January 14, 2011.

If the Freedom of Information Commission has issued a decision *after* June 25, 2009 that overturns the *Findley* decision please let me know. If not, I believe the Department is withholding public records in violation of the Freedom of Information Act. Unfortunately, this appears to be a pattern of non-compliance. On December 9, 2010, I filed a Freedom of Information request with the Department (attached hereto as Exhibit B). I received a form response from the Chief of Police dated December 14, 2010, stating he had received the request. On January 24, 2011, I suggested that the Department comply with my FOI request in stages and contact my office to setup a schedule for compliance. To date, my office has not received a single document pertaining to my December 9, 2010 Freedom of Information request and a schedule for compliance is not in place. There has also been no further communication with the Department.

The Department's position in this current matter (December 20, 2010 request) that "[t]he Freedom of Information Act does not require that the Department create documents that do not exist" is insufficient. The Commission rejected this argument in the *Findley* case and stated, "it was insufficient for the respondents to claim that they do not maintain the record requested by

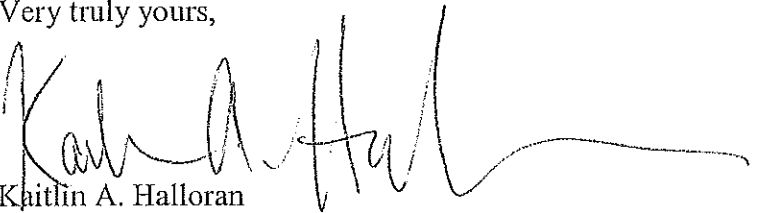
the complainant, because they did maintain the supporting data and it was a straightforward procedure to draw on such data to compile the record requested." The decision went on to state "[i]t is found that drawing information from the electronic database in order to comply with the complainant's request is analogous, conceptually, to pulling hard copies of records from various files in a drawer, stapling them together, and proving them to a complainant as a report." The Committee also found that the respondents in the case: (1) failed to perform a diligent search for records responsive to the complainant's request and (2) concluded that the respondents violated the promptness provisions of the FOI Act by failing to provide such records promptly to the complainant.

Once again, we are trying to make sure this FOI request is not a time-consuming process for the Department. As previously stated, I am willing and able to pay the cost for duplication of \$.50 per page as soon as I am *notified* how many pages need to be duplicated.

If you would like to discuss this issue we can be reached at rhalloran@ldlaw.com, R. Bartley Halloran's cell phone (860)690-2032, R. Bartley Halloran's work phone (860)676-3222 and Kaitlin Halloran's work phone (860)676-3123.

Thank you in advance and we appreciate your cooperation in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kaitlin A. Halloran". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Kaitlin A. Halloran
Counsel to Hector Robles

Exhibit A

Law Offices of R. Bartley Halloran

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FARMINGTON, CT 06034-0887

January 14, 2011

Daryl K. Roberts, Chief of Police
Hartford Police Department
50 Jennings Road
Hartford, CT. 06120

Re: Freedom of Information Request- Officer Hector Robles (mailed on Dec. 20, 2010)

Dear Chief Daryl K. Roberts:

Thank you very much for your response mailed on January 4, 2011. Even though the Hartford Police Department "does not maintain a document which lists the highest gross income for each rank in the Hartford Police Department," we are still entitled to this information under the Freedom of Information Law. *See Findley v. Pamela Law, Commissioner of Connecticut Revenue Services, Docket #FIC 2009-093 (June 25, 2009) (attached hereto as Exhibit A).*

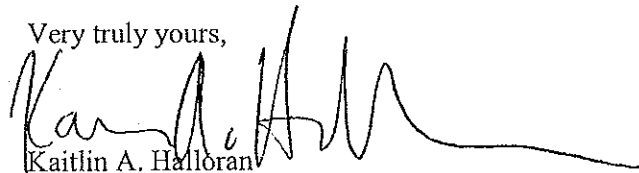
The Hartford Police Department has the supporting documents to easily compile this list. The data maintained in your payroll systems are public records within the meaning of Conn. Gen. Stat. § 1-211(a). The payroll office issues a check each week that includes weekly salary, private duty jobs, compensation time and overtime pay. Each police officer receives *one* check each week. The pay stub also contains an aggregate total throughout the year. Carmen Rivas in the payroll office should be able to compile a list of year end payouts to members of the Hartford Police Department.

If the Hartford Police Department believes it is too burdensome to go through the list and identify the five highest payouts within each rank, I would be more than happy to come to the Hartford Police Department and categorize the names for you. Please let me know as soon as possible and I will schedule an appointment.

We are trying to make sure this FOI request is not a time-consuming process for the Hartford Police Department. As previously stated, I am willing and able to pay the cost for duplication of \$.50 per page as soon as I am *notified* how many pages need to be duplicated.

We can be reached at rhalloran@ldlaw.com, on R. Bartley Halloran's cell (860) 690-2032, R. Bartley Halloran's work phone (860) 676-3222 and Kaitlin Halloran's work phone (860) 676-3123. Thank you in advance.

Very truly yours,


Kaitlin A. Halloran
Counsel to Hector Robles

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

James M. Findley,

Complainant

against

Docket #FIC 2009-093

Pamela Law, Commissioner, State of
Connecticut, Department of Revenue Services;
and State of Connecticut, Department of
Revenue Services,

Respondents

June 25 , 2009

The above-captioned matter was heard as a contested case on May 14, 2009, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. 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 letter dated January 27, 2009, the complainant requested a copy of the "Department of Revenue Services A&R Union (P-5) layoff seniority list as of the January 8th, 2009] 'payroll confirm date' as currently available through the Core^[1] payroll system."
3. It is found that the respondents informed the complainant by letter dated February 2, 2009 that they were unable to comply with his request, described in paragraph 2, above, because "it involves the request of a record that does not exist."
4. It is found that by letter dated February 6, 2009, the complainant challenged the respondents' claim that they were unable to comply with his request for records. It is further found that the complainant provided the respondents with pages from the Core-CT payroll system website that included precise 13-step instructions on how to run the layoff seniority list from the respondents' database on Core-CT.
5. By letter dated February 14, 2009, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the records he requested, described in paragraph 2, above.
6. Section 1-200(5), G.S., in relevant part, defines "public records" as follows:

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

7. 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 inspect such records promptly during regular office or business hours or to receive a copy of such records in

accordance with the provisions of section 1-212.

8. Section 1-212(a), G.S., provides: "Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record."

9. It is concluded 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.

10. Section 1-211(a), G.S., provides:

Any public agency which maintains public records in a computer storage system shall provide, to any person making a request pursuant to the Freedom of Information Act, a copy of any nonexempt data contained in such records, properly identified, on paper, disk, tape or any other electronic storage device or medium requested by the person, if the agency can reasonably make such copy or have such copy made.

11. It is also found that the Core payroll system is an electronic database maintained by the respondents. It is found that the data are public records maintained in a computer storage system, within the meaning of §1-211(a), G.S.

12. The respondents claim that because they had not compiled a layoff seniority list for the A&R union from their payroll database, they were not obligated to create the list for the complainant.

13. The complainant, however, contends that, although the respondents did not maintain the precise report he requested, they did maintain as public records the electronic data from which such a report could easily be compiled.

14. It is found that on February 9, 2009, the respondents received the instructions from the complainant on how to run the layoff seniority report. It is found that the respondents compiled the report according to the instructions in 10 to 15 minutes and ultimately provided it to the complainant on February 28, 2009. It is found that such report is responsive to the complainant's request, described in paragraph 2, above.

15. It is found that the complainant did not hear from the respondents after he sent them the 13-step procedure on February 6, 2009, described in paragraph 4, above, until February 28, 2009, when he received the records he requested. It is found that the respondents ran the report on February 20, 2009 but did not send it to the complainant until February 26, 2009. It is further found that the respondents did not claim that any of the information on the report was exempt from disclosure.

16. The complainant claims, credibly, that the respondents failed to perform a diligent search for the record he requested, until he told them how to do so. It is found that the complainant discovered the 13-step instructions on how to run the layoff seniority list through his personal search on the Core-CT website. It is found that the complainant does not have any particular expertise in payroll, Core-CT, or the precise format of the information in the database.

17. It is found that the 13-step procedure that the complainant gave to the respondents should have been easy for the respondents to discover and was, in fact, easy to perform.

18. It is found that, in light of the circumstances of this case, it was insufficient for the respondents to claim that they do not maintain the record requested by the complainant, because they did maintain the supporting data and it was a straightforward procedure to draw on such data to compile the record requested.

19. It is found, therefore, that the respondents could "reasonably" make the record requested by the complainant within the meaning of §1-211, G.S.

20. It is found that drawing information from the electronic database in order to comply with the complainant's request is analogous, conceptually, to pulling hard copies of records from various files in a file drawer, stapling them together, and providing them to a complainant as a report. It is found that the 13-step procedure that the respondents ultimately used to compile the record requested by the complainant did not require research, analysis, or the exercise of professional discretion.

21. It is found, therefore, that the respondents failed to perform a diligent search for records responsive to the complainant's request, described in paragraph 2, above.

22. It is concluded that the respondents violated the promptness provisions of the FOI Act by failing to provide such records promptly to the complainant.

23. The Commission declines to consider the complainant's request for the imposition of a civil penalty against the respondents.

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

1. Henceforth, the respondents shall comply with the promptness requirements of the FOI Act.

Approved by Order of the Freedom of Information Commission at its special meeting of June 25, 2009.

Petrea A. Jones
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:

James M. Findley
414 S. Eagleville Road
Storrs, CT 06268

Pamela Law, Commissioner, State of
Connecticut, Department of Revenue
Services; and State of Connecticut,
Department of Revenue Services
c/o Louis P. Bucari, Esq. and
Shawn M. Sims, Esq.
Department of Revenue Services
Litigation Division – 19th Floor
25 Sigourney Street
Hartford, CT 06106

Petrea A. Jones
Acting Clerk of the Commission

FIC/2009-093FD/paj/6/29/2009

□ It is found that Core, or Core-CT, is Connecticut state government's central financial and administrative computer system. The system encompasses central and agency accounting functions, including human resource management systems such as payroll, time and labor, and human resources.

Exhibit B

Law Offices of R. Bartley Halloran

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P.O. BOX 887
FARMINGTON, CT 06034-0887

December 9, 2010

Daryl K. Roberts, Chief of Police
Hartford Police Department
50 Jennings Road
Hartford, CT. 06120

Re: Freedom of Information Request - Hector Robles

Dear Chief Daryl K. Roberts:

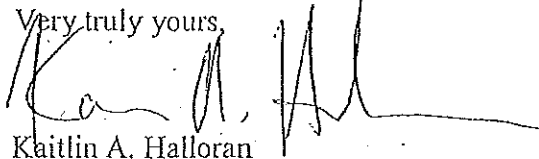
Pursuant to the Connecticut Freedom of Information Act (Connecticut General Statutes Section 1-200 et. Seq.), please provide copies of the following documents:

1. Private duty job slips, overtime cards, time cards, and compensation cards ("comp cards") for all community service officers, including but not limited to (1) Jeffrey Morande, (2) William Rea, (3) Jeffrey Morrison, (4) Theresa Velez, (5) Peter Lynch, (6) Steve Kessler, (7) Anthony Rinaldi, (8) Miguel Maldonado, (9) Gamiel Perez, (10) Michael Verrengia, (11) James Rutasuki, (12) David Marinelli, (13) Thomas Knapp, (14) Calos Faienza and (15) Theodore Sposito for the time period of August 1, 2008 to October 4, 2009.

I am ready and willing to send a check for the copy fee applicable under Connecticut General Statute Section 1-212. Time is of the essence and we appreciate your cooperation in this matter.

We can be reached at rhalloran@ldlaw.com, on R. Bartley Halloran's cell (860) 690-2032, R. Bartley Halloran's work phone (860) 676-3222 and Kaitlin Halloran's work phone (860) 676-3123. Thank you in advance.

Very truly yours,



Kaitlin A. Halloran
Counsel to Hector Robles

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February 9, 2011

Nathalie Feola-Guerrieri
Assistant Corporation Counsel
550 Main Street
Hartford, CT 06103

Daryl K. Roberts
Chief of Police
50 Jennings Road
Hartford, CT 06120

Re: Freedom of Information Request – Officer Hector Robles (mailed on December 20, 2010)

Dear Attorney Feola-Guerrieri:

We were able to locate the information requested in my December 20, 2010 letter through our own research. For future reference, the information is easily accessible at ctsunlight.org. I had the pleasure of speaking with the person who compiled all of the data for the website. He informed me that he obtained the information through a similar freedom of information request. He mentioned that initially the Hartford Police Department and more specifically the City of Hartford tried to prevent him from accessing the public documents but agreed to turn the documents over in the end and cited “internal issues” as the reason for the delay.

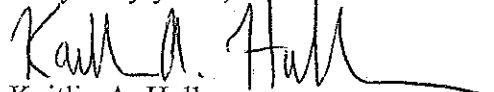
We are disappointed with the compliance of the Hartford Police Department and the City of Hartford with lawful freedom of information requests. It is important that we receive this information in a timely manner. We first requested documents from your office on December 9, 2010 and it is now February 9, 2011 and we have received nothing.

Please provide me with a schedule with dates by which your office will comply with our lawful freedom of information requests.

If you would like to discuss this issue we can be reached at rhalloran@ldlaw.com, on R. Bartley Halloran’s cell phone (860)690-2032, R. Bartley Halloran’s work phone (860)676-3222 and Kaitlin Halloran’s work phone (860)676-3123.

Thank you in advance and we appreciate your cooperation in this matter.

Very truly yours,



Kaitlin A. Halloran
Counsel to Hector Robles