
Denial of request to access records

Rich Burgess <connecticutcarry@gmail.com>

Wed, Apr 25, 2012 at 4:33 PM

To: shannon.belcher@ct.gov

Cc: paul.mounts@ct.gov, Thomas A Hatfield <thomas.hatfield@ct.gov>

Sgt. Belcher,

Today I called your department and I spoke to a representative who later transferred me to a Mr. Paul Mounts.

My request was a simple one. I need to know if an FBI background check was mailed back to a police department or not and if so, what date. No personal information or copies of the records were requested.

Your employees refuse to give me this information and have no legal right to do so since this is a public record.

Your employees tried to cite that this information is somehow privileged to only the subject of the background check, but this is not at all true. I am in possession of somewhere north of 1,000 such records from your in house database so I well versed in the disclosure of these records. I don't wish to request the entire database every single time an inquiry needs to be made.

My call follows reports by multiple people who have reported to me that they have called your department and have received inadequate and sometimes rude responses to their inquiries. My experience was not much different.

When a member of the public requests prompt access to a document, you are required to give that to them. You may frame it however you would like, under the FOI act or because you are charging said applicant 50 dollars for a service and you have a responsibility to your customer.

If you are unaware of the status of these records as public records, please consult your legal affairs division. Attorney Hatfield has dealt with this topic extensively.

Thank you,
Rich Burgess
President

Connecticut Carry, Inc

Ph: [203.208.9577](tel:203.208.9577)

<http://ctcarry.com>

Rich Burgess <connecticutcarry@gmail.com>

Tue, May 1, 2012 at 10:15 AM

To: shannon.belcher@ct.gov

Cc: Thomas A Hatfield <thomas.hatfield@ct.gov>

Sgt. Belcher,

What is the status of this issue? I am still getting reports that your staff is denying requests for this public information.

Thank you,
Rich Burgess
President

Connecticut Carry, Inc

Ph: 203.208.9577
<http://ctcarry.com>

Rich Burgess <connecticutcarry@gmail.com>

Fri, May 4, 2012 at 8:48
AM

To: Thomas A Hatfield <thomas.hatfield@ct.gov>

Cc: shannon.belcher@ct.gov, Reuben Bradford <reuben.bradford@ct.gov>, FOI-DL <foi@ct.gov>

Attorney Hatfield,

I am in receipt of your letter dated April 30, 2012 which is attached.

I believe you are mistaken in both the facts of my request and in your interpretation of the statute you quote in that letter.

You are correct that on 4/26/2012 I called the SPBI and requested from multiple individuals, including one Paul Mounts, information regarding a pistol permit applicant's national background check's status. As I indicated on the phone and in the email below which you were copied on, I requested whether or not the national criminal history check had been returned to the police department or not and if it had been returned, on what date. I did not request the 'names and addresses' as you indicate in your letter since I already had this information given to me by the applicant along with information that the permit had not been issued.

This is where another issue arises, because I made the call directly following the aforementioned applicant making the same request himself. Surely even with your interpretation of CGS 29-28(d) you would not deny 'confidential information' about a person to that same person, and yet SPBI has and is continuing a pattern of doing so. I have been documenting these issues for months now.

Your interpretation of CGS 29-28(d) in the above mentioned letter leaves a lot to be desired since the plain and simple text of the statute leaves no question at all that the permit must be issued for the statute to apply at all.

(d) Notwithstanding the provisions of sections 1-210 and 1-211, the name and address *of a person issued* a permit to sell at retail pistols and revolvers pursuant to subsection (a) of this section or a state or a temporary state permit to carry a pistol or revolver pursuant to subsection (b) of this section, or a local permit to carry pistols and revolvers issued by local authorities prior to October 1, 2001, shall be confidential and shall not be disclosed, except (1) such information may be disclosed to law enforcement officials acting in the performance of their duties, (2) the issuing authority may disclose such information to the extent necessary to comply with a request made pursuant to section 29-33 for verification that such state or temporary state permit is still valid and has not been suspended or revoked, and the local authority may disclose such information to the extent necessary to comply with a request made pursuant to section 29-33 for verification that a local permit is still valid and has not been suspended or revoked, and (3) such information may be disclosed to the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500.

Whether or not you or I want the statute to say 'during application' or 'applicant' is another matter that

I suggest you take up with the legislature.

I point out these details because I believe your denial of my request hinges on ground that does not exist and the FOIC is going to be wasting their time to correct DESPP/SPBI on such a clear statute. I will wait to hear from you today through this weekend to correct your findings and provide me with the information I requested, otherwise I will file a complaint on Monday. I will also be urging every permit applicant that has called SPBI for the date of return of their national criminal history check to do the same since they are de-facto denials as well.

SPBI does not have the power to withhold this information from me anymore than they have the power to withhold the information from the applicants who are the subject of the documents.

Not a single person has requested the name or address of a permit holder. I am confident the FOIC will find for every one of us and I plan to prove and act on a clear pattern of abuse by your agency and Sgt. Belcher's department if this practice is not ended immediately.

Respectfully,

Rich Burgess
President

Connecticut Carry, Inc

Ph: 203.208.9577

<http://ctcarry.com>



AttorneyHatfieldReplyToSgtBelcherEmail.pdf

753K

Hatfield, Thomas <Thomas.Hatfield@ct.gov>

Fri, May 4, 2012 at 9:18 AM

To: Rich Burgess <connecticutcarry@gmail.com>

Cc: "Belcher, Shannon" <Shannon.Belcher@ct.gov>, "Lussier, Christina" <Christina.Lussier@ct.gov>

Mr. Burgess:

Thank you for your email. From what you have written, it appears that you asked SPBI for information about whether a specific pistol permit application existed, and you did this with the intention of using someone else's personal data (e.g. name, address, and date of birth). Is that a correct understanding of what happened on 4/26/2012?

Attorney Thomas Hatfield

Department of Emergency Services and Public Protection

Legal Affairs

(860) 685-8150 (Telephone)

(860) 685-8354 (Facsimile)

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From: Rich Burgess [mailto:connecticutcarry@gmail.com]
Sent: Friday, May 04, 2012 8:49 AM
To: Hatfield, Thomas
Cc: Belcher, Shannon; Bradford, Reuben; FOI-DL
Subject: Re: Denial of request to access records

Rich Burgess <connecticutcarry@gmail.com> Fri, May 4, 2012 at 9:57 AM
To: "Hatfield, Thomas" <Thomas.Hatfield@ct.gov>
Cc: "Belcher, Shannon" <Shannon.Belcher@ct.gov>, "Lussier, Christina" <Christina.Lussier@ct.gov>, Reuben Bradford <reuben.bradford@ct.gov>, FOI-DL <foi@ct.gov>

Attorney Hatfield,

Your assessment is entirely incorrect. I have never represented myself as anyone but who I am and I have not indicated anything to the contrary in any of my correspondence with you or with SPBI.

In my discussion with Mr. Paul Mounts, I even made clear I was not the applicant and that I was making this request as a public records request which is the reason he gave for denying my request. You seem to have shared that knowledge when you wrote your April 30th letter as well.

I also never inquired about whether or not a permit application existed, since I knew for sure the permit application existed before ever contacting SPBI. My inquiry only consisted of establishing whether a known background check request had or had not had the national criminal history background check completed and sent to the police department and the date if it had.

This should be rather evident in my emails below. I have taken the liberty of quoting them:

My request was a simple one. I need to know if an FBI background check was mailed back to a police department or not and if so, what date. No personal information or copies of the records were requested.

Your employees refuse to give me this information and have no legal right to do so since this is a public record.

You are correct that on 4/26/2012 I called the SPBI and requested from multiple individuals, including one Paul Mounts, information regarding a pistol permit applicant's national background check's status. As I indicated on the phone and in the email below which you were copied on, I requested whether or not the national criminal history check had been returned to the police department or not and if it had been returned, on what date. I did not request the 'names and addresses' as you indicate in your letter since I already had this information given to me by the applicant along with information that the permit had not been issued.

Not a single person has requested the name or address of a permit holder.

Respectfully,
Rich Burgess

President

Connecticut Carry, Inc

Ph: 203.208.9577

<http://ctcarry.com>

Hatfield, Thomas <Thomas.Hatfield@ct.gov>

Fri, May 4, 2012 at 10:47 AM

To: Rich Burgess <connecticutcarry@gmail.com>

Cc: "Belcher, Shannon" <Shannon.Belcher@ct.gov>, "Lussier, Christina" <Christina.Lussier@ct.gov>, "Bradford, Reuben" <Reuben.Bradford@ct.gov>

Mr. Burgess:

Thank you for your last email. Let me again attempt to clarify what happened on 4/26/2012 with the following statement of facts as I presently understand them:

- 1.) You had information which led you to believe that a specific pistol permit related request (of a person who is not you) had been submitted to SPBI;
- 2.) You had been given personal data (e.g. name, address, and date of birth) concerning a person who you believed had filed that pistol permit related request;
- 3.) You called SPBI and requested information about the specific pistol permit request you believed had been submitted to SPBI;
- 4.) You had the intention of identifying the specific pistol permit related request you believe existed by disclosing the personal data you had possession of; and
- 5.) You were told that the information you were requesting was not publically available.

Is this an accurate statement of what happened on 4/26/2012?

I apologize for any misunderstanding or confusion my initial letter caused you, however, in the event that the above statement of facts are correct, you were properly told that no public information was available with respect to your request.

Attorney Thomas Hatfield

Department of Emergency Services and Public Protection

Legal Affairs

(860) 685-8150 (Telephone)

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From: Rich Burgess [mailto:connecticutcarry@gmail.com]

Sent: Friday, May 04, 2012 9:57 AM

To: Hatfield, Thomas

Cc: Belcher, Shannon; Lussier, Christina; Bradford, Reuben; FOI-DL

Rich Burgess <connecticutcarry@gmail.com>

Fri, May 4, 2012 at 10:51 AM

To: "Hatfield, Thomas" <Thomas.Hatfield@ct.gov>

Cc: "Belcher, Shannon" <Shannon.Belcher@ct.gov>, "Lussier, Christina" <Christina.Lussier@ct.gov>, "Bradford, Reuben" <Reuben.Bradford@ct.gov>

Attorney Hatfield,

Your firm position and stance is duly noted and likewise firmly disagreed with.

I will file my complaint henceforth.

Respectfully,

Rich Burgess

President

Connecticut Carry, Inc

Ph: [203.208.9577](tel:203.208.9577)

<http://ctcarry.com>