

From: Edward Peruta [<mailto:edperuta@amcable.tv>]

Sent: Wednesday, August 28, 2013 8:35 AM

To: DESPP Bradford, Reuben; DESPP Plourde, Christine; 'Ainsworth, Janet'; 'terrence.oneill@ct.gov'; 'foi@ct.gov';

Subject: Initial reply to Letter of July 21, 2013 attached for reference

Attorney Plourde,

I have received your lengthy letter dated July 21st and expect that **you will receive my official reply from Attorney Rachel M. Baird** who will address the letter's contents and threat of possible criminal charges.

Every FOI request made by the undersigned to your agency is based on specific circumstances which require a review of public records to verify information prior to any dissemination of facts to others.

As for our opinions on your agencies handling of FOI requests made by the undersigned, Attorney Rachel M. Baird and others, the requested excel database of all FOI requests made to your agency together with the order they are handled and closed will after review show whether or not there are any issues that need to be addressed.

I would like to remind you of the following provisions of Connecticut Law.

Sec. 1-210. (Formerly Sec. 1-19). Access to public records. Exempt records. (a) 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. Any agency rule or regulation, or part thereof, that conflicts with the provisions of this subsection or diminishes or curtails in any way the rights granted by this subsection shall be void.** Each such agency shall keep and maintain all public records in its custody **at its regular office or place of business in an accessible place** and, if there is no such office or place of business, the public records pertaining to such agency shall be kept in the office of the clerk of the political subdivision in which such public agency is located or of the Secretary of the State, as the case may be. Any certified record hereunder attested as a true copy by the clerk, chief or deputy of such agency or by such other person designated or empowered by law to so act, shall be competent evidence in any court of this state of the facts contained therein.

FACTS:

In order to "**inspect such public records promptly**" an individual must first travel to and present themselves at the location where the records are maintained.

NO prior notice is required to request access to public records.

NO appointments are required to access public records.

Requests to access to public records or obtain copies of public records **need to be directed to the individual who has possession and control** of the records requested to assure accountability for any violations of the law.

DESPP legal affairs **IS NOT the custodian** of DESPP records

And for the record:

May I remind you that any current policies or procedures adopted by your agency are subject to the provision of CGS 1-210 which states in part: "Any agency rule or regulation, or part thereof, that conflicts with the provisions of this subsection or diminishes or curtails in any way the rights granted by this subsection shall be void."

Your agencies constant excuses that you are understaffed and overwhelmed regarding FOI requests are falling on deaf ears, partly due to the fact that you and your agency has had the opportunity to bring your complaints and concerns to the Connecticut State Legislature in every legislative session.

To have a member of your staff claim that the current FOI problems are a direct result of two Attorneys leaving state service is unacceptable given they have been gone for over 14 month.

Your agencies policy of sending an acknowledgement of the request and then letting the request sit for month without any status updates is at best unacceptable and the cause for repeated requests for updates, renewed and new requests.

A perfect example is the outstanding request for the Criminal History Database.

The record will reflect that I do not react well when threatened with arrest while conducting myself in a lawful manner regardless of the time or place.

The only part of your letter that I agree with is the fact that you and the members of the DESPP legal affairs unit are "chasing their tails".

Respectfully,

Edward A. Peruta

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