

CONNECTICUT CARRY, INC

229 BRANFORD RD UNIT 423 NORTH BRANFORD, CT 06471

3/1/2012

President
Connecticut Carry, Inc
229 Branford Rd Unit 423
North Branford, CT 06471

To: Freedom of Information Commission

Freedom of Information Complaint

Denial of Right to Inspect Records

1) The Stamford Police Department has denied “inspect such records promptly during regular office or business hours”.

1. CGS 1-206 states:

Sec. 1-206. (Formerly Sec. 1-21i). Denial of access to public records or meetings. Appeals. Notice. Orders. Civil penalty. Service of process upon commission. Frivolous appeals. (a) **Any denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request**, except when the request is determined to be subject to subsections (b) and (c) of section 1-214, in which case such denial shall be made, in writing, within ten business days of such request. **Failure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed to be a denial.**

2. CGS 1-210 states:

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.

3. Reference attached FOI request dated February 5th, 2012.

- 2) FOI request sent on February 5th, 2012 received by Stamford Police Department February 6th, 2012 via electronic mail.
 1. Reference email time stamped Sun, Feb 5, 2012 at 1:07 PM.
- 3) FOI request ignored until February 8th when FOI request was 'sent to the Corporation Counsel' by Chief Nivakoff.
 1. Reference email time stamped Wed, Feb 8, 2012 at 4:29 PM.
 2. Reference email time stamped Wed, Feb 8, 2012 at 4:56 PM.
- 4) FOI forwarded to Captain Conklin by Sgt. Vitti on February 9th where clarification was requested and sent to all parties.
 1. Reference email time stamped Thu, Feb 9, 2012 at 8:43 AM.
 2. Reference email time stamped Thu, Feb 9, 2012 at 10:20 AM.
- 5) Captain Conklin replies with request for phone call on February 9th. Calls placed to Captain Conklin twice on same day.
 1. Reference email time stamped Thu, Feb 9, 2012 at 10:57 AM.
 2. Reference email time stamped Thu, Feb 9, 2012 at 5:06 PM.
- 6) Captain Conklin reached on phone February 10th where the same clarification sent on February 9th is requested. Captain Conklin is refreshed on the clarification both over the phone and via subsequent email. Clarifications that include that **dates** for three scenarios are necessary parts of the request and that the effective date of the FOI request is expected to be honored despite unnecessary delays on the part of Stamford PD. Captain Conklin makes clear he intends to compile the data instead of simply presenting the records as they exist, but will not give a date on when they will be ready. No reply by Stamford PD is made to email confirming these facts.
 1. Reference email time stamped Fri, Feb 10, 2012 at 3:13 PM.
- 7) Email is sent to Captain Conklin on February 17th asking if data was ready and available. Captain Conklin asks for address to send it to without answering whether data is ready or not. When told that it will be picked up from PD in person, Captain Conklin indicates the data is still not ready. Captain Conklin is asked when data is expected to be complete, no answer is given.
 1. Reference email time stamped Fri, Feb 17, 2012 at 9:29 AM.
 2. Reference email time stamped Fri, Feb 17, 2012 at 9:52 AM.
 3. Reference email time stamped Fri, Feb 17, 2012 at 10:02 AM.
 4. Reference email time stamped Fri, Feb 17, 2012 at 10:33 AM.

5. Reference email time stamped Fri, Feb 17, 2012 at 10:35 AM.
- 8) Detective Caserta replies on February 22nd that the documents are ready for inspection .
 1. Reference email time stamped Wed, Feb 22, 2012 at 3:16 PM.
- 9) Documents are picked up on February 22nd. The documents do not include the requested dates and are compiled from the date (2/22/2012) the compilation took ("the most current list") and not on February 5th as requested in FOI request. Detective Caserta confirms this via email. Detective Caserta also mentions in the same email that the list is something they keep and simply update and does not need to be compiled at my request.
 1. Reference email time stamped Wed, Feb 22, 2012 at 8:24 PM.
 2. Reference email time stamped Thu, Feb 23, 2012 at 7:50 PM.

It is my belief that the Stamford PD and the representatives discussed above purposely delayed and procrastinated in fulfilling my request for information to hide the fact that they had been violating state statutes by denying pistol permit applicants their permits within the mandated timelines. This is known to me because one of those applicants obtained his permit during the early part of this time period from Captain Conklin after approximately a 6 month wait. This applicant is not on the list retrieved despite the fact that he was definitely within the parameters of my FOI request.

As mentioned in point #9 above Detective Caserta admits there is no compilation activity and that this information was available in the exact same format on 2/5 as the list provided to me on 2/22.

To this date I have still not received the information that I requested under my FOI request.

For the reasons articulated above, maximum civil penalties are requested to be served against Chief Nivakoff and Captain Conklin for their roles in the denial of my right to inspect records in accordance with Sec. 1-206. The same should also be mandated to be retrained to abide by Sec. 1-212 and other applicable sections of the FOIA.

Respectfully,



Richard Burgess

President

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