

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Petition for Relief
from Vexatious Requester by

FINAL DECISION

Town of East Lyme; and
East Lyme Board of Education

Petitioners

against

PRVR #1

David Godbout,

Respondent

February 26, 2020

The above-captioned matter was heard as a contested case on September 16, 2019 and October 7, 2019, at which times the Petitioners and the Respondent appeared and presented testimony, exhibits and argument on the Petition for Relief from Vexatious Requester (“Petition”).

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The Petitioners are public agencies within the meaning of §1-200(1), G.S.

I. THE PETITION AND PROCEDURE FOLLOWING ITS FILING.

2. On March 8, 2019, the Petitioners filed with the Freedom of Information Commission (“Commission”) a Petition for Relief from Vexatious Requester, dated March 6, 2019, pursuant to §1-206(b)(5), G.S.

3. Section 1-206(b)(5), G.S., provides, in relevant part:

Notwithstanding any provision of this subsection, a public agency may petition the commission for relief from a requester that the public agency alleges is a vexatious requester. Such petition shall be sworn under penalty of false statement, as provided in section 53a-157b, and shall detail the conduct which the agency alleges demonstrates a vexatious history of requests, including, but not limited to: (A) The number of requests filed and the total number of pending requests; (B) the scope of the requests; (C) the nature,

content, language or subject matter of the requests; (D) the nature, content, language or subject matter of other oral and written communications to the agency from the requester; and (E) a pattern of conduct that amounts to an abuse of the right to access information under the Freedom of Information Act or an interference with the operation of the agency. Upon receipt of such petition, the executive director of the commission shall review the petition and determine whether it warrants a hearing... If the executive director determines that a hearing is warranted, the commission shall serve upon all parties, by certified or registered mail, a copy of such petition together with any other notice or order of the commission. The commission shall, after due notice to the parties, hear and either grant or deny the petition within one year after its filing. Upon a grant of such petition, the commission may provide appropriate relief commensurate with the vexatious conduct, including, but not limited to, an order that the agency need not comply with future requests from the vexatious requester for a specified period of time, but not to exceed one year....

4. In their Petition, the Petitioners alleged that the Respondent is a vexatious requester and detailed examples of Freedom of Information (“FOI”) Act requests and conduct that they believe demonstrate that the Respondent has a vexatious history. In addition, the Petitioners claimed that the Respondent has engaged in a “pattern of conduct that amounts to an abuse of the right to access information under the FOI Act and an interference with the operation of the agency,” pursuant to §1-206(b)(5), G.S.

5. After conducting the required review pursuant to §1-206(b)(5), G.S., the Executive Director issued a Notice of Hearing and Order to Show Cause on the Petition on July 24, 2019, setting the hearing for September 16, 2019. By email dated July 25, 2019, the Respondent wrote to the Executive Director, stating that he was posing four questions; however in actuality the Respondent was largely taking issue with several matters, including: (a) the captioning of the Petition; (b) the Executive Director’s review of the Petition pursuant to §1-206(b)(5), G.S., alleging personal bias against him, and seeking the disqualification of any Commissioner who had participated in a complaint that the Respondent had previously filed against the Governor, alleging personal biases against him; (c) requesting that the Petition be stayed; and (d) asking about admissibility of evidence. On August 8, 2019, by Notice issued pursuant to the Order of the Hearing Officer, the Commission responded to the Respondent’s July 25, 2019, email and informed the parties that the Commission would not engage in an ongoing dialogue with the parties prior to hearing, and that motions, if properly filed, would be considered and appropriately addressed by the Hearing Officer.

II. PRE-HEARING AND POST-HEARING MOTIONS AND BRIEFS.

6. Prior to the September 16, 2019 hearing, the Respondent filed nine (9) motions with the Commission, specifically:

- a. The Respondent filed with the Commission a Motion to Disqualify Hankins as Hearing Officer, dated August 12, 2019, contending that “Mr. Hankin’s [sic] actions have shown that he cannot provide the Respondent with a full and impartial hearing as the Respondent is required to obtain under law.” By Notice dated August 28, 2019, the Hearing Officer denied the Respondent’s August 12, 2019 Motion to Disqualify Hankins as Hearing Officer.
- b. The Respondent filed with the Commission a Motion to Dismiss, dated August 13, 2019. The Petitioners filed an objection to the Motion to Dismiss, dated August 16, 2019. The Respondent filed a Reply, dated August 19, 2019. By Notice dated August 29, 2019, the Hearing Officer notified the parties that the August 13, 2019 Motion to Dismiss, and any subsequent filings regarding such motions, and any other dispositive motions and consequent filings, would be argued and addressed at the start of the September 16, 2019 hearing.
- c. The Respondent filed with the Commission a Motion to Conduct Discovery, dated August 15, 2019. By Notice dated August 28, 2019, the Hearing Officer denied the Respondent’s August 15, 2019 Motion to Conduct Discovery. Pursuant to the Uniform Administrative Procedure Act, Conn. Gen. Stat. §4-166 et seq., there is no right to conduct discovery in an administrative proceeding.
- d. The Respondent filed with the Commission a Motion to Extend Time to File Special Motion To Dismiss under Public Act 17-71, dated August 19, 2019. By Notice dated August 29, 2019, the Hearing Officer denied the Respondent’s Motion to Extend Time to File Special Motion To Dismiss under Public Act 17-71.
- e. The Respondent filed with the Commission a Motion to Dismiss All Parties/Case/Petition, dated August 21, 2019. The Petitioners filed an objection to the Motion to Dismiss All Parties/Case/Petition, dated August 26, 2019. The Respondent filed a Reply on August 27, 2019. By Notice dated August 29, 2019, the Hearing Officer notified the parties that the August 21, 2019 Motion to Dismiss All Parties/Case/Petition, and any subsequent filings regarding such motions, and any other dispositive motions and consequent filings, will be argued and addressed at the start of the September 16, 2019 hearing. During the September 16, 2019 hearing, the parties presented argument. Respondent contended that the Petition was not properly certified and such defect warranted dismissal. The Petitioners contended that the Petition was properly certified. The Hearing Officer determined that the Petition was properly certified and denied the Respondent’s Motion.
- f. The Respondent filed with the Commission a Motion to Reconsider Hankins Decision – Denying Respondent’s Motion to Disqualify Hankins, dated September 3, 2019. By Notice dated September 11, 2019, the Hearing Officer denied the Respondent’s Motion to Reconsider Hankins Decision – Denying Respondent’s Motion to Disqualify Hankins. During the September 16, 2019 hearing, the Hearing Officer further elaborated on the reasons for the denial, notifying the parties that there is no conflict of interest between the Hearing Officer and any party,

specifically, the Hearing Officer has never represented any party to a proceeding, nor has the Hearing Officer participated in any action against the Respondent; the Hearing Officer and the Commissioners have voted to adopt hearing officer reports in which the Respondent has prevailed; and any claim by the Respondent that the Hearing Officer has acted unethically or in violation of the Rules of Professional Conduct are meritless and untenable.

- g. The Respondent filed with the Commission a Motion to Reconsider Hankins Decision – Denying Respondent’s Motion for an Extension of Time to File a Special Motion to Dismiss Pursuant to Public Act 17-71, dated September 3, 2019. By Notice dated September 11, 2019, the Hearing Officer denied the Respondent’s Motion to Reconsider Hankins Decision – Denying Respondent’s Motion for an Extension of Time to File a Special Motion to Dismiss Pursuant to Public Act 17-71.
- h. The Respondent filed with the Commission a Motion to Conduct Limited Discovery, dated September 3, 2019. By Notice dated September 12, 2019, the Hearing Officer denied the Respondent’s Motion to Conduct Limited Discovery. Pursuant to the Administrative Procedure Act, Conn. Gen. Stat. §4-166 et seq., there is no right to conduct discovery in an administrative proceeding.
- i. The Respondent filed with the Commission a Motion to Compel Production of Witnesses, filed September 10, 2019. By Notice dated September 12, 2019, the Hearing Officer denied the Respondent’s Motion to Compel Production of Witnesses. However, by Notice dated September 12, 2019, the Hearing Officer ordered the parties to produce and file with the Commission a list of witnesses each party intended to call at the September 16, 2019 hearing, no later than 3:00 pm on Friday, September 13, 2019. The Petitioners filed such list with the Commission on September 13, 2019. The Respondent filed such list, dated September 18, 2019, with the Commission on October 2, 2019, and identified the following witnesses he wished to call: Mark Zamarka, counsel to the Petitioners; Thomas Hennick, the Commission’s Public Education Officer; Colleen Murphy, the Commission’s General Counsel and Executive Director; and the Respondent. Petitioners filed an objection to Respondent’s witness list, dated September 27, 2019. Petitioners objected on the grounds that the Respondent listed Petitioners’ counsel as a witness was a “blatant attempt” to have counsel disqualified from further representation in the above-captioned Petition, that naming counsel as a witness is frivolous, not designed to elicit evidence relevant to the Petition, and is evidence of the Respondent’s “vexatious abuse” of the FOI Act. By Order of the Hearing Officer, dated October 4, 2019, Petitioners’ objection was sustained, and the Hearing Officer further ordered that neither Executive Director Murphy (who was not involved in the alleged incidents that gave rise to the Petition and serves as counsel to the Hearing Officer in this matter) nor Mr. Hennick (who was not involved in the alleged incidents that gave rise to the Petition), will be called as witnesses, as requested by the Respondent. However, the Hearing Officer permitted the parties to

further amend their respective witness lists, by the morning of Monday, October 7, 2019, the day of the continued hearing in this matter.

7. Subsequent to the close of evidence on October 7, 2019¹ hearing, the Respondent filed nine (9) additional motions, specifically:

- a. Respondent filed with the Commission five (5) motions, entitled Motion for the Commission to Refer Case to States Attorney Office Related to Testimony, contending that Petitioners' witnesses Sandra Anderson, Edward Waido, Mark Nickerson, Jeffery Newton, and Linda Anania offered false testimony. The Petitioners filed an objection, dated November 19, 2019, to each motion. By Notices dated November 21, 2019, the Hearing Officer denied each "Motion for the Commission to Refer Case to States Attorney Office Related to Testimony" of each Petitioners' witness identified, for the following reasons: "The Respondent cites to no authority for, and supplies no basis to support, such an interlocutory and extreme action. The Respondent was given full and ample opportunity to cross-examine all witnesses, as well as to present his own evidence, at the evidentiary hearings in this matter."
- b. Respondent filed with the Commission a Motion for the Commission to Reconsider the Respondents' Motion to Refer Perjury and False Statements to a States Attorney Office, dated November 22, 2019. Petitioners objected to such motion on November 26, 2019. By Notice dated December 5, 2019, the Hearing Officer denied the Respondent's Motion for the Commission to Reconsider the Respondent's Motion to Refer Perjury and False Statements to a States Attorney Office.
- c. Respondent filed with the Commission a Motion to Re-open Hearing to Address Perjury of Complainants' [sic] Witnesses, dated November 22, 2019. The Respondent contended in reliance on "transcripts" he created, that he "discovered a litany of false statements and perjury" with regard to the Petitioners' witnesses, and therefore, the Respondent sought an opportunity to "address" the alleged perjury at a re-opened hearing. Petitioners objected to such motion on November 26, 2019, and the Respondent filed a Reply, dated November 30, 2019. By Notice dated December 5, 2019, the Hearing Officer denied the Respondent's Motion to Re-open Hearing to Address Perjury of Complainants' Witnesses for the following reasons:

¹ At such hearing, The Hearing Officer took administrative notice of forty (40) complaints filed with the Commission by the Respondent against the Town of East Lyme agencies and the Board of Education. In two (2) complaints, the Respondent prevailed after contested case hearings; one (1) complaint was withdrawn by the Respondent prior to hearing; one (1) complaint was pending at the Commission; and in thirty-six (36) complaints the Commission issued Notices Not to Schedule Hearings pursuant to §1-206(b)(2)(C), G.S., on the ground that such complaints constituted an abuse of the Commission's administrative process. The notices not to schedule thirty-six of the Respondent's prior complaints against East Lyme are detailed in the Endnote.

“Two evidentiary hearings were conducted on this matter. The Respondent and his counsel had three weeks between the two evidentiary hearings to prepare for cross examination; furthermore, witnesses were revealed to the parties in advance of the hearings as directed in the Commission’s pre-hearing order. The Respondent had every opportunity to cross examine witnesses and to call his own witnesses during the evidentiary hearings. The Respondent proffers no evidence which addresses the Petitioners’ allegations regarding his conduct. There is no legal or factual foundation to reopen the hearing in this matter, which concluded its evidentiary phase on October 7, 2019.”

- d. By e-mail dated December 24, 2019, the Respondent filed an untitled motion/request with the Commission (dated “23 MAR 19”) seeking the opportunity to introduce additional evidence during a reopened hearing. The Petitioners filed an objection to the request to reopen, dated December 30, 2019. By Notice dated January 10, 2020, the Hearing Officer denied the Respondent’s requests to introduce new evidence. The Notice further advised the parties that no additional hearing is necessary. The Notice further advised that any evidence submitted by any party after October 7, 2019 (the date on which the hearing closed in this matter following two hearing dates), including but not limited to the affidavit attached to the Respondent’s Reply Brief, has not, and will not, be considered by the Commission, and that no further motions will be entertained or considered in this matter.
- e. Respondent filed with the Commission a Motion to Open, dated January 10, 2020, seeking to present evidence in this matter that pertains to a separate complaint, Docket #FIC 2019-0574. By Notice dated January 27, 2020, the Hearing Officer denied the Motion to Open.

8. Petitioners filed with the Commission a Post-Hearing brief, dated November 19, 2019, and Respondent filed a Post-Hearing brief, dated November 21, 2019. Petitioners then filed a Reply brief, dated November 26, 2019. Respondent subsequently filed with the Commission a Motion for [sic] Commission for Respondent to be Granted Leave to File a Reply/Sur-Reply Brief, dated December 10, 2019. By Notice dated December 12, 2019, the Hearing Officer granted the Respondent’s Motion for [sic] Commission for Respondent to be Granted Leave to File a Reply/Sur-Reply Brief and further ordered that the Respondent shall file any brief with the Acting Clerk of the Commission on or before December 27, 2019. The Notice further advised the parties that no additional briefs from either party would be permitted by the Hearing Officer. Respondent’s Reply Brief was filed on December 27, 2019.

9. The Commission finds that the numerous pre-hearing and post-hearing Motions filed by the Respondent, a total of eighteen (18) in this matter, as outlined in paragraphs 6 and 7, above, many of which were repetitive and duplicative, were designed to, and did in fact, slow down the Commission’s ability to process this matter in a more timely fashion.

10. The Commission further finds that the Respondent’s Post hearing Brief and Reply Brief are rife with instances wherein the Respondent attempts to add evidence not in the Record,

including attaching his own affidavit and other documentary materials, despite the fact that he had an opportunity to present evidence at both hearings on this matter and chose not to do so. The Respondent is well aware that parties to Commission proceedings must present evidence during the course of the evidentiary hearing and not after the hearing is closed.

III. THE RESPONDENT'S HEARING PARTICIPATION.

11. The Respondent, who was represented by counsel during both hearings on this matter, did not refute any of the evidence presented by the Petitioners. On cross examination of the Petitioners' witnesses, counsel for the Respondent asked essentially one question, or a variation thereof, of each of the witnesses. For example, Petitioner's counsel asked the following of Mr. Newton, the East Lyme Superintendent of Schools:

Respondent's Counsel (to Mr. Newton): "During that time [of interactions with the Respondent] did you at any time want to attack Mr. Godbout for anything he said?"

Mr. Newton: "Did I want to attack him? Like physically?"

Respondent's Counsel: "Yes."

Mr. Newton: "No. I did not and would not respond with violence."

12. In addition, upon completion of the Petitioner's case, the Respondent was afforded an opportunity to testify himself and/or present additional witnesses on his behalf. The Respondent's counsel stated that the Respondent was not going to put forward any evidence because a criminal matter was pending against the Respondent, stemming from a December 26, 2018 incident at the East Lyme Town Hall (see paragraphs 43 through 46, below), counsel had advised his client to assert his 5th Amendment right against self-incrimination and his client was going to do that. The Respondent did not call any witnesses or introduce any documents on his behalf.

IV. THE RESPONDENT'S REQUESTS IN 2018.

13. Based upon the Petition and the unrefuted testimony at the hearings on this matter, it is found that the following sixteen requests constitute examples of the multitude of requests that the Respondent made to the East Lyme Board of Education and various town and other offices during the course of 2018, alone:

- a. On January 16, 2018, the Respondent requested from two officials of the East Lyme Land Use Department "the email sent from the Canon C5235 copier/scanner that was used to produce the pdf noted below and attached to this request that was partially responsive to a prior record request. I am particularly interested in the metadata as well."
- b. On February 2, 2018, the Respondent requested from the East Lyme Police Chief "to inspect the personal devices (and/or records related to the devices) possessed by one of

your agency's members, Michael Macek...from the time period of 1 NOV 17 through the present."

- c. On February 7, 2018, the Respondent requested from the Town of East Lyme emails from January 24, 2018, including email attachments and metadata related to the emails and the attachments.
- d. On March 3, 2018, the Respondent requested from the East Lyme Emergency Management Public Safety Director and the East Lyme Chief of Police "to inspect all records related to any and all contacts from the town's assessor's office to your agencies." The Respondent then listed six topics that he wanted his request to include but not be limited to, when responding to his request.
- e. On March 7, 2018, the Respondent requested from the East Lyme Assessor "all [of the agency's] emails from the date of 1 JAN 2017 to the present" from private and public devices, including attachments and metadata. The Respondent also stated: "I would suggest and demand that if you cannot provide the metadata requested then you allow me direct access to all of the agency's computers, including any personally owned devices...."
- f. On March 7, 2018, the Respondent requested from the East Lyme Zoning Department "all emails from the date of 1 JAN 2018 to present" including all attachments and metadata.
- g. On March 7, 2018, the Respondent requested from the East Lyme Land Use Department, all emails from January 1, 2018 to the present.
- h. On March 7, 2018, the Respondent requested from the East Lyme Tax Collector, all emails from January 1, 2018 to the present.
- i. On March 15, 2018, the Respondent requested from the East Lyme First Selectman, all emails from March 15, 2018 to as far back as the Selectman thought reasonable and all emails from March 15, 2018 [back] to January 1, 2018.
- j. On March 15, 2018, the Respondent requested from the East Lyme Assessor, all emails from the present dating back to "whenever reasonable."
- k. On March 15, 2018, the Respondent made an oral request during a public meeting to the East Lyme Zoning Commission for all emails of all zoning commission members from January 2018 to March 2018.

- l. On June 6, 2018, the Respondent requested from the East Lyme First Selectman and his administrative assistant “depositions related to a pending case at New London Superior Court.”
- m. On June 29, 2018, the Respondent requested from the East Lyme Police Chief, the cell phone records of all East Lyme Police Department employees (no limitations on subject matter or date were indicated). This request constituted an expansion of the request identified in paragraph 13b, above.
- n. On August 12, 2018, the Respondent requested from the Town Clerk records related to the copy machine located in the Town Clerk’s office.
- o. On August 25, 2018, the Respondent requested from the East Lyme First Selectman, the East Lyme Police Department and the East Lyme Fire Department, under the heading: “Subject matter of spying cameras for parks – seeking records”, all police vandalism events, any invoices or price quotes relating to the purchase of the cameras, video currently collected from the currently existing cameras for a 24-hour period or as long as possible from each and every camera and all records sent to or obtained from the East Lyme Public Trust Foundation, Inc., and/or its officers (he included a list of 24 possible individuals), without subject matter limitation, from January 2017 to the present (a period of twenty months).
- p. On November 21, 2018, the Respondent appeared at the law offices of Town Counsel (at a private law firm in New London) and orally requested billing invoices related to a small claims matter in which he was involved and which was pending in New London Superior court, Godbout v. Attanasio, et al.

14. At the hearing on this matter, the Petitioners testified that all of the Respondent’s requests under the FOI Act, described in paragraph 13, above, were complied with and no complaints were filed with the Commission pertaining to them. The Respondent did not refute the Petitioners’ claim and it is therefore so found.

15. It is further found that the requests identified in paragraph 13, above, constitute examples only of the many other numerous requests made by the Respondent and do not represent the totality of requests submitted orally or in written form during 2018.

16. It is further found, based upon the unrefuted testimony of the witnesses during the course of the two hearings on this matter, that the Respondent filed more than three hundred and fifty (350) FOI Act requests with the Town of East Lyme and/or the Board of Education between 2016 and 2018.

17. It is further found that the Respondent is not the only individual in town who makes FOI Act requests and to whom the Petitioners must respond. The Petitioners maintain that the

amount of time spent on the Respondent's requests significantly takes away from the Petitioners' ability to respond in a timely manner to other requesters.

18. It is further found that the East Lyme First Selectman instituted a tracking system to aid with responding to FOI Act requests, primarily because of the Respondent's numerous FOI requests and visits to town hall. Under that system, all FOI requests are referred to the First Selectman, so that he can assist and work with each agency to respond appropriately to such requests.

19. The Petitioners testified, and it is further found, that once the FOI Commission began issuing notices not to schedule the Respondent's abusive complaints,² the Respondent stopped filing appeals with the FOI Commission; however, he continued to barrage the town with FOI requests. As described in footnote 1, during the October 7, 2019, hearing, the Hearing Officer took administrative notice of the thirty-six instances where the Commission had issued notices not to schedule prior complaints filed by the Respondent against East Lyme public agencies.

V. THE RESPONDENT'S CONDUCT IN 2018.

20. In their Petition and their unrefuted testimony at the hearings on this matter, the Petitioners also set forth evidence of the Respondent's conduct relative to his numerous requests and the FOI Act, when interacting with the town, its board and town officials and employees, as well as the board of education, its officials and employees, during the course of 2018. Such conduct is detailed in the findings contained in paragraphs 21 through 47, below.

21. It is found that on February 4, 2018, the Respondent went to the offices of the East Lyme Public Works Department and got into an oral dispute with the East Lyme Municipal Utility Engineer regarding proper FOI procedures, after alleging the information was provided to him in the wrong format.

22. It is found that on March 1, 2018, the Respondent went to the East Lyme Assessor's Office and was told to leave many times, as his belligerent conduct made the female employees uncomfortable. It is further found that on such date, the Assessor's Office contacted the East Lyme Police Department because of concerns over the Respondent's behavior.

23. It is found that on March 15, 2018, the Respondent brought a video camera to the East Lyme Town Hall, and proceeded to record and ask questions of employees while they were working. It is further found that during that time, the Respondent was leaning over employees' desks with the video camera, and recording what was located on the employees' desks. It is further found that the East Lyme First Selectman asked the Respondent to either turn off the camera or leave; when he refused, the East Lyme Police Department was contacted to escort the Respondent away from the premises.

² See paragraph 7, footnote 1, and Endnote.

24. It is found that on June 6, 2018, the Respondent again brought a video camera to the East Lyme First Selectman's office and recorded his interaction with the First Selectman's administrative assistant.

25. It is found that on June 28, 2018, the Respondent went to the East Lyme High School to submit a written request for information on a student transgender policy.

26. It is found that on July 2, 2018, the Respondent went to the East Lyme High School to request information regarding a Facebook account.

27. It is found that on July 6, 2018, the Respondent went to the East Lyme High School and interacted with the school staff about the Facebook account and alleged free speech limitations.

28. It is found that on July 13, 2018, the Respondent went to the East Lyme Board of Education Office (which is located on the grounds of Flanders Elementary School and which shares an entrance with the elementary school) to file a request for the East Lyme Superintendent of School's expense account records. It is further found that the Superintendent of Schools encountered the Respondent in the parking lot and that during such encounter, the Respondent raised his voice and called the Superintendent of Schools an idiot; the Respondent was escorted from the premises due to safety concerns.

29. It is found that on July 16, 2018, the Respondent was denied access to the East Lyme Board of Education office due to safety concerns.

30. It is found that on July 16, 2018 during the public comment segment of the East Lyme Board of Education meeting, the Respondent requested the school district's transgender policy and displayed a picture of a transgender student. It is further found that the Respondent was asked to refrain from further comment, became agitated, raised his voice and would not stop talking. It is further found that the board took a recess and the police were called due to fear and safety concerns; the Respondent left the premises when the police arrived.

31. It is found that on July 17, 2018, the Respondent appeared again at the East Lyme Board of Education Office to submit a request for records. The Respondent physically blocked the Flanders Elementary School Principal from entering the building by placing his body directly in front of her. It is further found that the East Lyme Police Department was called due to safety concerns (hereinafter "July 17 incident"). (See additional findings, below)

32. With regard to the July 17 incident described in paragraph 31, above, it is found, based upon the principal's testimony at the hearing on this matter, that the Respondent approached her with a video camera, tripod and microphone, asking if she worked with the Board of Education and stating that he had questions for her. It is further found that the Respondent was close enough to read the principal's employee badge, put the microphone in her face and block her way. It is further found that the principal became anxious and headed toward a security officer who intervened, at which time, the Respondent relented and left. It is further found that the principal felt threatened, feared for her safety, and found the encounter with the Respondent to be very "unnerving."

33. Following the July 17 incident, it is found that on July 18, 2018, the Respondent sent FOI requests via email to the East Lyme Board of Education members, as well as the Superintendent of Schools and the Flanders Elementary School Principal, seeking all cell phone records and cell phone related records of the Superintendent of Schools and the principal, including text messages, telephone logs, internet browser histories, temporary internet related files and emails stored on town owned or personally owned devices.

34. It is found that around the time of the July 17 incident described in paragraphs 31 through 33, above, the Superintendent of Schools informed the Respondent that he would not be seen at the Board of Education offices unless he had an appointment, due to safety concerns for staff and students.

35. It is further found that the East Lyme Board of Education decided to have a security officer on the premises of the board's office during the Summer of 2018, due in large part, to the Respondent's conduct.

36. It is found that on August 14, 2018, the Respondent hand-delivered an FOI request for records to the private home of the Chairman of the East Lyme Board of Education.

37. It is found that on September 21, 2018, the executive assistant for the Superintendent of Schools, responded to an email from an individual identifying himself as "Phillip Miller" advising that documents he had requested were available and asking him to contact the East Lyme Finance Director to view them at the Board's offices. It is further found that the records requested by the person identifying himself as "Phillip Miller" were the same records (expense account records of the Superintendent of Schools) that had been requested previously by the Respondent.

38. It is found that on September 27, 2018, the Respondent appeared at the East Lyme Board of Education offices claiming to be Phillip Miller and that he had an appointment with the East Lyme Finance Director. It is further found that the Respondent was denied entrance to the building after the campus safety and security officer recognized the Respondent and knew that he was not Phillip Miller. It is further found that the security officer filed a report and the police were notified of the incident.

39. It is found that later in the day on September 27, 2018, the individual who had previously identified himself as "Phillip Miller" in email correspondence, sent another email to the Superintendent of Schools, stating that he had sent the Respondent to pick up his records in his stead earlier that day and that he had been denied access. The email then stated that Phillip Miller wanted to amend his request to include the Respondent as his "co-requestor" and his agent. It is further found that the Superintendent of Schools responded via email that Mr. Miller would need to pick up the records himself.

40. It is found that on October 4, 2018, the Respondent appeared at the East Lyme Board of Education office and requested to see both the Finance Director and the Superintendent of Schools. It is further found that access was denied because the Respondent did not have an

appointment. It is further found that the Respondent left the premises, but only after being asked to do so several times.

41. It is found that in December 2018, the Respondent engaged in lengthy email exchanges with the East Lyme Chief of Police, East Lyme Tax Collector and the East Lyme Superintendent of Schools disputing the town's policy regarding copying fees. It is further found that the Respondent ultimately challenged the First Selectman to a "public debate" on the issue.

42. It is found that the Town of East Lyme updated and installed panic buttons throughout town hall in 2018, due in large measure to safety and security concerns regarding the Respondent and his escalating conduct.

43. It is found that on December 26, 2018, the Respondent appeared at the East Lyme Town Hall, requesting a fee waiver from the East Lyme First Selectman's administrative assistant, who advised the Respondent that he needed to speak with the First Selectman about his request. It is further found that the Respondent became enraged, shouted at the administrative assistant, and called her offensive and inappropriate names. It is further found that the Respondent's behavior ultimately caused the administrative assistant, for the first time ever during her tenure, to hit a panic button to alert the East Lyme Police Department (hereinafter "December 26 incident").

44. It is found that later on the day of the December 26 incident, the police took a sworn witness statement from the administrative assistant, detailing the incident and that soon thereafter, the Respondent was arrested for Second Degree Breach of Peace. It is further found that as of the date of the hearings in this matter, such criminal charge remained pending.

45. It is found that the First Selectman's administrative assistant sought a Civil Protection Order following the December 26 incident, which order was granted by the Superior Court in New London on January 7, 2019. It is further found that under the Civil Protection Order, the Respondent was ordered to: surrender or transfer all firearms and ammunition; not assault, threaten, abuse, harass, follow, interfere with, or stalk the protected person; stay away from the home of the protected person and wherever the protected person shall reside.

46. It is further found that the Court issued the following additional order: "Before entering the [East Lyme] Town Hall, the Respondent must have an appointment set up and must be escorted to the office." The Respondent was also told he could contact the First Selectman's office by phone, email or in writing, and that he would be directed to the First Selectman.

47. It is found that prior to the December 26 incident, the First Selectman witnessed aggressive behavior by the Respondent, when interacting with female personnel in connection with his FOI requests. It is further found that the First Selectman advised individuals to contact him directly if the Respondent's conduct began to escalate; and, on some occasions, the First Selectman personally intervened to get the Respondent to "simmer down."

VI. ANALYSIS OF THE TERM “VEXATIOUS” IN §1-206(b)(5), G.S., AND THE PHRASE “PATTERN OF CONDUCT THAT AMOUNTS TO AN ABUSE OF THE RIGHT TO ACCESS INFORMATION UNDER THE FOI ACT OR AN INTERFERENCE WITH THE OPERATION OF THE AGENCY” IN §1-206(b)(5)(E), G.S.

48. This is the first Petition to be considered by the Commission since the enactment of §1-206(b)(5), G.S. The Commission is mindful that the discretion it is afforded to make determinations under this provision is significant, and that the potential ramifications to a requester whose rights may be impacted for a period of up to one year are significant as well. With the aforementioned in mind, the Commission’s aim is to appropriately balance an individual’s right of access, which is a cornerstone of the FOI Act, against the legitimate need of government to be free from vexatious requesters.

49. As a preliminary matter, the Commission notes that the Petitioner has the burden of proof under §1-206(b)(5), G.S., to demonstrate that a requester is vexatious. In this instance, as referenced in paragraph 4, above, the Petitioners claim that the Respondent has a vexatious history and has engaged in a “pattern of conduct” that amounts to both an “abuse of the right to access information under the Freedom of Information Act” and “interferes with the operation of the agency” within the meaning of §1-206(b)(5)(E), G.S.

50. The Commission’s analysis must begin with the term “vexatious”, which is not defined in the FOI Act and has not been analyzed heretofore by the Commission, but which is commonly defined as: “causing vexation: distressing; intended to harass.” See, *Merriam-Webster*, <http://www.merriam-webster.com/dictionary/vexatious> (accessed February 5, 2020). The Commission adopts the common dictionary definition of such term for purposes of §1-206(b)(5), G.S.

51. Likewise, the phrase “pattern of conduct” is not defined in the FOI Act and has not been analyzed heretofore by this Commission. For purposes of §1-206(b)(5)(E), G.S., the Commission believes that such phrase requires a showing of recurring incidents or repetitive behavior on the part of the requester.

52. Likewise, the phrase “abuse of the right to access information under the Freedom of Information Act” is not defined in the FOI Act and has not been analyzed heretofore by this Commission. For purposes of §1-206(b)(5)(E), G.S., the Commission believes that such phrase requires the Commission to assess the cumulative nature of the requester’s requests and conduct, and their effect on the petitioning agency.

53. Finally, the phrase “interference with the operation of the agency” is not defined in the FOI Act and has not been analyzed heretofore by the Commission. For purposes of §1-206(b)(5)(E) G.S., the Commission believes that such phrase requires the Commission to assess whether the requests and conduct exhibited by the requester significantly obstructs or hinders the petitioning agency’s abilities to carry out its responsibilities and functions.

54. It is found that East Lyme is a relatively small municipality within the state of Connecticut and that its town government has limited staff. The Commission takes administrative notice that it had a population of 19,159 at the 2010 census.

55. It is further found that the Respondent's requests to the East Lyme agencies and board of education are voluminous in both number and content. It is further found that the Respondent is by far the person who makes the most FOI requests in town (350 plus requests between 2016 and 2018). Moreover, it is found that many such requests aim to frustrate agencies or to "pile on" (e.g. requesting large amounts of emails and metadata from numerous agencies, expanding requests from one person in a department to every person in the department when the Respondent is not satisfied by the response provided, requests that are repetitive in nature, and requests that fail to specify the search period, while advising that the time period is whatever the agency deems "reasonable").

56. It is further found that a number of the Respondent's requests and conduct aim to intimidate the agency or employee to whom the request is directed (e.g., making loud, oral requests for records in public forums during the course of public comment and going to a public official's private residence to submit a request).

57. It is further found that the Respondent's requests and conduct are often disrespectful, abusive and concerning (e.g., calling employees and officials names, leaning over work stations and video recording employees while at work and attempting to record what they are working on and/or what is located on their desks).

58. It is further found that the Respondent's requests and conduct are often taunting in nature, if not worse (e.g. challenging the First Selectman to a "public debate", and informing the First Selectman's administrative assistant that "he will always treat her this way", following and badgering the principal of an elementary school, who was not involved in his access requests, as she entered her place of employment).

59. It is further found that the Respondent's requests and conduct make a mockery of public access (e.g., by pretending to be someone else when making a request, designating himself as that person's agent for access and showing up at the board of education offices claiming to be that person).

60. It is further found that the Respondent's conduct is often uncontrolled, particularly as evidenced by the July 17 and December 26 incidents, described in the findings above, and the fact that on no fewer than five occasions during the 2018 calendar year alone, the police were called to calm the Respondent down, escort him off of agency or meeting premises and in one case, following the December 26 incident, place him under arrest.

61. It is further found that the Respondent's requests have generated a great deal of fear and concerns for safety and security throughout the Town of East Lyme.

62. It is further found that the Respondent never appears to be satisfied with the responses he receives, which in turn, leads to additional requests and accompanying conduct.

63. It is further found that the Respondent's requests and conduct are recurring, repetitive and unrelenting; and that the objective of such requests and conduct is often to annoy or hassle rather than to obtain public access.

64. It is further found that the cumulative nature of the Respondent's requests and conduct during the approximately one year period covered by the Petition have had a decidedly detrimental effect on the Petitioners.

65. It is further found that the Respondent's requests and conduct during the approximately one year period covered by the Petition have been disruptive and have significantly hampered the Petitioners' responsibilities and functions.

66. It is finally found that the Respondent's requests and conduct are distressing and intended to harass the Petitioners.

67. The Commission's findings in paragraphs 9 through 66, above, regarding the Respondent's requests and conduct are in accord with determinations made in recent superior court decisions. Although such decisions did not involve the Petitioners herein, courts have noted the Respondent's vexatious conduct in the context of appeals of FOI Commission decisions to not schedule hearings in matters concerning other public agencies. In David Godbout v. Freedom of Information Commission, HHB-CV-19-5025125-S (Sept. 23, 2019) (Huddleston, J.), the court noted: "...by failing to seek production of any responsive documents, [Mr. Godbout] has made it clear that his intention was not to obtain public records but to harass public officials." In David Godbout v. Freedom of Information Commission, HHB-CV-15-5017046-S (Aug. 9, 2016) (Schuman, J.), the court noted: "There is no dispute that the plaintiff had filed 385 previous complaints with the Commission...The "nature, content and language or subject matter" of this sort of complaint makes it clear that [Mr. Godbout's] real purpose is not to seek relief under the act but rather to seek some sort of vendetta against the executive director and to eliminate the commission." And in David Godbout v. Freedom of Information Commission, HHB-CV-14-5016057-S (June 18, 2015) (Schuman, J.), the court noted: "[Mr. Godbout's] proposal amounts to an egregious violation of the due process rights of other litigants...Finally, wholly aside from the frivolous nature of the complaint, [Mr. Godbout's] behavior in this case alone constitutes an abuse of the administrative process."

VII. CONCLUSION.

68. Based upon the Petition filed herein, the totality of the evidence admitted at the hearings on this matter, the findings contained in paragraphs 9 through 66, above, along with the matters referenced in paragraphs 7 and 19, above, and accompanying footnotes and Endnote, wherein the Commission did not grant leave to schedule hearings in matters involving the Respondent and the Town of East Lyme, it is concluded that the Petitioners have more than met their burden in this matter to establish that the Respondent is a vexatious requester.

69. It is further concluded that the Respondent has a vexatious history with the Petitioners, including the Board of Education and numerous town agencies, their officials and

employees; and that the Respondent has engaged in a pattern of conduct toward the Petitioners, that constitutes an abuse of the right to access information under the FOI Act and an interference with the operation of the petitioning agencies (the Board of Education and the Town of East Lyme), within the meaning of §1-206(b)(5)(E), G.S. In this case, it is clear that the need of the town to be free of the vexatious requests and conduct of the Respondent outweighs the Respondent's right of access.

70. Accordingly, the Petition for Relief from Vexatious Requester filed in this matter is granted as to the Petitioners.

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

1. The Petitioners, their officials and employees, need not comply with public records requests from the Respondent for a period of one year from the date of the Notice of Final Decision in this matter.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 26, 2020.



Cynthia A. Cannata

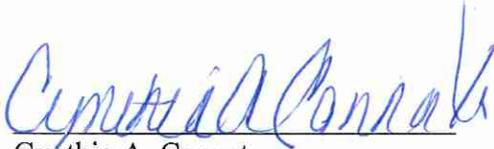
Acting Clerk of the Commission

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:

TOWN OF EAST LYME; AND EAST LYME BOARD OF EDUCATION, c/o Attorney Mark S. Zamarka, Waller, Smith & Palmer, P.C., 52 Eugene O'Neill Drive, New London CT 06320

DAVID GODBOUT, c/o Attorney Robert Serafinowicz, 520 South Main Street, Naugatuck, CT 06700; and David Godbout, 15 Cardinal Road, East Lyme, CT 06333



Cynthia A. Cannata
Acting Clerk of the Commission

ENDNOTE

COMPLAINTS OF THE RESPONDENT FILED WITH THE COMMISSION AGAINST THE TOWN OF EAST LYME AND THE EAST LYME BOARD OF EDUCATION IN WHICH THE COMMISSION ISSUED NOTICES NOT TO SCHEDULE HEARINGS, PURSUANT TO §1-206(b)(2), G.S., AS CONSTITUTING AN ABUSE OF THE COMMISSION'S ADMINISTRATIVE PROCESS.

1. In Docket #FIC 2013-273; David Godbout v. Paul Formica, First Selectman, Town of East Lyme; Police Department, Town of East Lyme; and Town of East Lyme (March 3, 2014), the Commission unanimously voted not to schedule a hearing since such complaint constituted an abuse of the Commission's administrative process.
2. In Docket #FIC 2013-581; David Godbout v. Board of Assessment Appeals, Town of East Lyme; and Town of East Lyme (Aug. 18, 2014), the Commission unanimously voted not to schedule a hearing since such complaint constituted an abuse of the Commission's administrative process and noted that: Mr. Godbout had filed over 170 complaints at that point; that in a separate matter he had sought the resignations of all FOI Commissioners, and the termination of the FOIC staff; and found that the time spent on all of his matters was hampering the Commission's ability to adjudicate other matters for other complainants.
3. In Docket #FIC 2014-067; David Godbout v. Chief, Police Department, Town of East Lyme; and Police Department, Town of East Lyme (Dec. 5, 2014), the Executive Director noted that: Mr. Godbout had filed over 287 complaints at that point: that in a separate matter he sought the resignations of all FOIC Commissioners and the termination of the FOIC staff; the time spent on all of his matters was hampering the Commission's ability to adjudicate other matters for other complainants; and also, in that matter, Mr. Godbout did not specifically allege a denial of records. However, a week before the Commission was scheduled to vote on such matter, the Respondent withdrew the underlying complaint.
4. In Docket #FIC 2015-603; David Godbout v. Board of Assessment Appeals, Town of East Lyme; and Town of East Lyme (July 20, 2016), the Executive Director noted that: Mr. Godbout had filed over 437 complaints at that point; that in a separate matter he sought the resignations of all FOIC Commissioners and the termination of the FOIC staff; the time spent on all of his matters was hampering the Commission's ability to adjudicate other matters for other complainants. Additionally, in Docket # FIC 2015-603, the Executive Director noted that another separate matter illuminated the pattern of conduct exhibited by Mr. Godbout when he does receive a hearing based upon one of his complaints, and used such conduct as an example of his abuse of the Commission's administrative process. Such matter was a complaint filed by Mr. Godbout against the Department of Motor Vehicles (DMV), Docket #FIC 2014-258, regarding the interpretation of §14-10, G.S. In that matter, the Commission conducted a full evidentiary hearing wherein the DMV brought counsel and witnesses, and expended time and effort in defending against Mr. Godbout's complaint. Subsequently, the Hearing Officer issued a proposed decision which recommended dismissing that complaint on the merits. The proposed decision was mailed to the parties on Friday, March 27, 2015. On Tuesday, March 31, 2015, Mr.

Godbout withdrew the complaint in Docket #FIC 2014-258, stating in his withdrawal that he doesn't agree with anything any employee of the Commission has stated or written with regard to any of his complaints, and that he doesn't need to give a reason for his withdrawal. On that same day, March 31, 2015, Mr. Godbout requested from the DMV similar records. In Docket #FIC2014-258, the Commission ultimately issued a Final Decision, dismissing the case, with prejudice, based on Mr. Godbout's withdrawal. Notice of that final decision was mailed on April 13, 2015. Nevertheless, two days later, Mr. Godbout filed an almost duplicative complaint against the DMV. That was not the first time that Mr. Godbout has received an unfavorable preliminary decision from the Commission, and then withdrawn his complaint, only to attempt to resurrect the issue by filing a subsequent complaint in defiance of the Commission's previous order. The same day that the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2015-603, the Respondent withdrew the underlying complaint.

5. In Docket #FIC 2015-660; David Godbout v. Board of Assessment Appeals, Town of East Lyme; and Town of East Lyme (July 20, 2016) the Executive Director noted that: Mr. Godbout had filed over 437 complaints at that point; and utilized the same reasoning set forth in the notice for Docket # FIC 2015-603, and added that the complaint at issue did not specifically allege a violation of the FOI Act. The same day that the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2015-660, the Respondent withdrew the underlying complaint.

6. Docket #FIC 2015-677; David Godbout v. Board of Assessment Appeals, Town of East Lyme; and Town of East Lyme (July 20, 2016), the Executive Director noted that: Mr. Godbout had filed over 437 complaints at that point; utilized the same reasoning set forth in the notice for Docket # FIC2015-603, and added that the complaint involved another request for voluminous records, which the respondents had not denied. The same day that the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2015-677, the Respondent withdrew the underlying complaint.

7. In Docket #FIC 2015-678; David Godbout v. Police Department, Town of East Lyme; and Town of East Lyme (July 21, 2016), the Executive Director noted that: Mr. Godbout had filed over 437 complaints at that point; and utilized the same reasoning set forth in the notice for Docket # FIC 2015-603. The same day that the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2015-678, the Respondent withdrew the underlying complaint.

8. In Docket #FIC 2015-680; David Godbout v. Town of East Lyme (July 21, 2016), the Executive Director noted that: Mr. Godbout had filed over 437 complaints at that point; and utilized the same reasoning set forth in the notice for Docket # FIC 2015-603. The same day that the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2015-680, the Respondent withdrew the underlying complaint.

9. In Docket #FIC 2015-681; David Godbout v. Registrar of Voters, Town of East Lyme (July 21, 2016), the Executive Director noted that: Mr. Godbout had filed over 437 complaints at that point; and utilized the same reasoning set forth in the notice for Docket # FIC2015-603 and also noted that the complaint centered around a \$5.00 charge for records. The same day that the

Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2015-681, the Respondent withdrew the underlying complaint.

10. Docket #FIC 2015-716; David Godbout v. First Selectman, Town of East Lyme; and Town of East Lyme (July 21, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC2015-603. The same day that the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2015-716, the Respondent withdrew the underlying complaint.

11. In Docket #FIC 2015-731; David Godbout v. Water & Sewer Commission, Town of East Lyme; and Town of East Lyme (July 21, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603. The same day that the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2015-731, the Respondent withdrew the underlying complaint.

12. In Docket #FIC 2015-792; David Godbout v. East Lyme Aquifer Protection Agency (July 21, 2016), the Executive Director noted that: Mr. Godbout had filed over 437 complaints at that point; and utilized the same reasoning set forth in the notice for Docket # FIC 2015-603. The same day that the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2015-792, the Respondent withdrew the underlying complaint.

13. In Docket #FIC 2015-842; David Godbout v. Tax Assessor, Town of East Lyme; and Town of East Lyme (July 21, 2016), the Executive Director noted that Mr. Godbout had filed over 437 complaints at that point; and utilized the same reasoning set forth in the notice for Docket # FIC2015-603. The same day that the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2015-842, the Respondent withdrew the underlying complaint.

14. Docket #FIC 2015-852; David Godbout v. Board of Selectmen, Town of East Lyme; and Town of East Lyme (July 21, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603. The same day that the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2015-852, the Respondent withdrew the underlying complaint.

15. In Docket #FIC 2015-853; David Godbout v. Chief, Police Department, Town of East Lyme; and Town of East Lyme (July 20, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603. The same day that the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2015-853, the Respondent withdrew the underlying complaint.

16. In Docket #FIC 2016-0004; David Godbout v. Water & Sewer Commission, Town of East Lyme; and Town of East Lyme (Aug. 18, 2016), the Executive Director noted that Mr. Godbout had filed over 437 complaints at that point; and utilized the same reasoning set forth in the notice for Docket # FIC2015-603. The Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. A week before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0004, the Respondent withdrew the underlying complaint.

17. In Docket #FIC 2016-0070; David Godbout v. Water & Sewer Commission, Town of East Lyme; and Town of East Lyme (Aug. 18, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603. The Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. A week before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0070, the Respondent withdrew the underlying complaint.

18. In Docket #FIC 2016-0072; David Godbout v. Water & Sewer Commission, Town of East Lyme; and Town of East Lyme (Aug. 18, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603. The Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. A week before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0072, the Respondent withdrew the underlying complaint.

19. In Docket #FIC 2016-0102; David Godbout v. Town Clerk, Town of East Lyme; and Town of East Lyme (Sept. 15, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0102, the Respondent withdrew the underlying complaint.

20. In Docket #FIC 2016-0123; David Godbout v. Board of Education, Town of East Lyme; and Board of Finance, Town of East (Sept. 15, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0123, the Respondent withdrew the underlying complaint.

21. Docket #FIC 2016-0183; David Godbout v. Water & Sewer Commission, Town of East Lyme; and Town of East Lyme (Aug. 18, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603. The Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. A week before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0183, the Respondent withdrew the underlying complaint.

22. Docket #FIC 2016-0197; David Godbout v. Town Clerk, Town of East Lyme; and Town of East Lyme (Sept. 15, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0197, the Respondent withdrew the underlying complaint.

23. In Docket #FIC 2016-0202; David Godbout v. Town Assessor, Town of East Lyme; and Town of East Lyme (Sept. 15, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0202, the Respondent withdrew the underlying complaint.

24. In Docket #FIC 2016-0215; David Godbout v. Zoning Commission, Town of East Lyme; and Town of East Lyme (Sept. 16, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them; the Commission noted that the complaint was one of seven that the Mr. Godbout filed on the same day. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0215, the Respondent withdrew the underlying complaint.

25. In Docket #FIC 2016-0216; David Godbout v. Water & Sewer Commission, Town of East Lyme; and Town of East Lyme (Aug. 18, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603. The Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. A week before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0216, the Respondent withdrew the underlying complaint.

26. In Docket #FIC 2016-0217; David Godbout v. Planning Commission, Town of East Lyme; and Town of East Lyme (Sept. 16, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them; the Commission noted that the complaint was one of seven that the Mr. Godbout filed on the same day. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0217, the Respondent withdrew the underlying complaint.

27. In Docket #FIC 2016-0218; David Godbout v. Parks & Recreation Commission, Town of East Lyme; and Town of East Lyme (Sept. 16, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them; the Commission noted that the complaint was one of seven that the Mr. Godbout filed on the same day. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0218, the Respondent withdrew the underlying complaint.

28. In Docket #FIC 2016-0219; David Godbout v. Board of Finance, Town of East Lyme; and Town of East Lyme (Sept. 16, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such

complaints just as the Commission was about to decide whether to schedule them. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0219, the Respondent withdrew the underlying complaint.

29. In Docket #FIC 2016-0220; David Godbout v. Board of Assessment Appeals, Town of East Lyme; and Town of East Lyme (Sept. 16, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0220, the Respondent withdrew the underlying complaint.

30. In Docket #FIC 2016-0221; David Godbout v. Board of Selectmen, Town of East Lyme; and Town of East Lyme (Sept. 16, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-003; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0221, the Respondent withdrew the underlying complaint.

31. In Docket #FIC 2016-0222; David Godbout v. Board of Selectmen; Town Clerk; Town Assessor, Town of East Lyme (Sept. 16, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0222, the Respondent withdrew the underlying complaint.

32. In Docket #FIC 2016-0227; David Godbout v. Public Works Department, Town of East Lyme; and Town of East Lyme (Sept. 16, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0227, the Respondent withdrew the underlying complaint.

33. In Docket #FIC 2016-0234; David Godbout v. Holly Cheesman, Selectman, Town of East Lyme; and Town of East Lyme (Sept. 16, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0234, the Respondent withdrew the underlying complaint.

34. In Docket #FIC 2016-0235; David Godbout v. First Selectman, Town of East Lyme; and Town of East Lyme (Sept. 16, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0235, the Respondent withdrew the underlying complaint.

35. In Docket #FIC 2016-0255; David Godbout v. Town Clerk, Town of East Lyme (Sept. 15, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0221, the Respondent withdrew the underlying complaint.

36. In Docket #FIC 2016-0256; David Godbout v. Board of Assessment Appeals, Town of East Lyme (Sept. 16, 2016), the Executive Director utilized the same reasoning set forth in the notice for Docket # FIC 2015-603; the Executive Director also noted Mr. Godbout's pattern of filing abusive complaints, particularly against East Lyme, and then withdrawing such complaints just as the Commission is about to decide whether to schedule them. Two days before the Commission was scheduled to vote on whether to schedule a hearing in Docket #FIC 2016-0256, the Respondent withdrew the underlying complaint.