

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by  
Marlene Moore-Callands,

FINAL DECISION

Complainant  
against  
Director of Personnel, City of Danbury;  
Director, Permit Center, City of Danbury; and  
City of Danbury,

Docket #FIC 2020-0107

Respondents

February 10, 2021

The above-captioned matter was heard as a contested case on December 14, 2020, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted telephonically.<sup>1</sup>

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

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter of complaint filed March 2, 2020, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with her February 2020 request for certain public records.
3. It is found that the complainant made a request on or about February 14, 2020 to the respondents for "all documentation in reference to the many complaints I filed against George Gleason. This request was the seventh in a series of requests, beginning in January 2018, all pertaining to the complainant's employment dispute. The respondents had provided records in response to the six earlier requests, but the complainant was dissatisfied with what she was provided, and so repeated her earlier request.
4. It is found that the respondents conducted a diligent search for the requested records.
5. It is found that the respondents provided the complainant with responsive records beginning in 2018 and continuing thereafter.
6. Section 1-200(5), G.S., provides:

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<sup>1</sup> On March 14, 2020, the Governor issued Executive Order 7B, which suspended the requirement to conduct public meetings in person.

“Public records or files” means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public

agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten,

typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

7. Section 1-210(a), G.S., provides in relevant part:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (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.

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

9. It is concluded that the requested records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

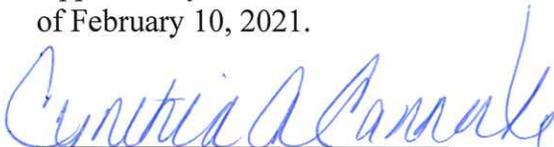
10. It is found that the respondents provided all the records responsive to the complainant's request.

11. It is concluded that the respondents did not violate the FOI Act as alleged.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 10, 2021.



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:

**MARLENE MOORE-CALLANDS**, 18A Fairlawn Avenue, Danbury, CT 06810

**DIRECTOR OF PERSONNEL, CITY OF DIRECTOR, PERMIT CENTER, CITY OF DANBURY; AND CITY OF DANBURY**, c/o Attorney Michael C. Harrington, FordHarrison, LLP, City Place II, 185 Asylum Street, Suite 610 , Hartford, CT 06103 and Attorney Johanna G. Zelman, FordHarrison, LLP, CityPlace II, 185 Asylum Street, Suite 610, Hartford, CT 06103



Cynthia A. Cannata  
Acting Clerk of the Commission