

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Remi Onopa,

Complainant

against

Docket #FIC 2022-0546

City Assessor, Office of the City Assessor,  
City of Meriden; Office of the City Assessor,  
City of Meriden; and City of Meriden,

Respondents

September 27, 2023

The above-captioned matter was heard as a contested case on March 13, 2023, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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. It is found that, by two emails dated October 18, 2022, the complainant requested that the respondents provide him access to inspect the following records:
  - (a) "all complaints that the city received on Melinda Fonda- covering her entire employment period with the city of Meriden -, including but not limited to the complaints received by city councilors which were publicly referred to in the local newspaper"; and
  - (b) "all notices of lawsuit, pre-suit, intent of lawsuit or any other legal notices where Melinda Fonda and/or City's Assessor is named a party to, including: open, dismissed, settled, not proceeded, pending, intended and so on. Timeframe of when Fonda was hired by the city until fulfillment date of this request."
3. It is found that, by letter dated October 27, 2022, the respondents acknowledged the complainant's requests, described in paragraph 2, above. It is also found that the respondents informed the complainant that they considered the requests to be repetitive of prior requests and referred the complainant to their responses to such prior requests.

4. By letter of complaint, dated November 26, 2022, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide access to the records described in paragraph 2, above.

5. Section 1-200(5), G.S., provides:

“[p]ublic 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 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

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

[e]xcept 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.

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

8. It is concluded that the requested records, to the extent they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. With regard to the complainant’s request described in paragraph 2(b), above, it is found that such request is duplicative of a prior request made to the respondents on August 8, 2022. It is also found that, by letter dated August 10, 2022, the respondents informed the complainant that they conducted a diligent search and do not maintain any records responsive to such request. It is further found that, by acknowledgment letter dated October 27, 2022, the respondents informed the complainant that any responsive records would be “publicly available through the state judicial website.”

10. The respondents also testified, and it is found, that they did not acquire any records responsive to the request described in paragraph 2(b), above, subsequent to their August 10<sup>th</sup> letter to the complainant.

11. It is therefore concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., with respect to the complainant's request described in paragraph 2(b), above.

12. With regard to the complainant's request described in paragraph 2(a), above, it is found that the complainant made similar requests to the respondents on July 8, 2022, August 5, 2022, and September 19, 2022.

13. It is found that, by letters dated July 25, 2022 and August 11, 2022, respectively, the respondents acknowledged the complainant's July 8<sup>th</sup> request and his August 5<sup>th</sup> request and informed the complainant that such requests were "vague and ambiguous" such that they were unable to identify responsive records. It is also found that, by letter dated August 11, 2022, the respondents provided the complainant with context for why they considered his requests to be too vague and informed him that they required additional information in order to identify responsive records.

14. It is found that the complainant did not reply to the respondents' July 25<sup>th</sup> letter or the August 11<sup>th</sup> letter, described in paragraph 13, above. It is also found that the complainant did not clarify his requests or provide additional information regarding the requested records.

15. It is found that, in response to the complainant's September 19<sup>th</sup> request, the respondents disclosed responsive records. It is also found that, unlike the July 8<sup>th</sup> request and August 5<sup>th</sup> request, the September 19<sup>th</sup> request included the specific date of the underlying "complaint" and detailed that such "complaint" was an email from the complainant himself. With respect to the September 19<sup>th</sup> request, the Commission takes administrative notice of the evidence and testimony in Docket #FIC 2022-0479, Remy Onopa v. Corporation Counsel, City of Meriden; and City of Meriden, (June 14, 2023).

16. At the hearing in this matter, the respondents testified that they did not understand what the complainant was requesting, and as such, they did not know how to search for records responsive to the complainant's request described in paragraph 2(a), above. It is found that the respondent City of Meriden ("city") has no formal complaint process by which a member of the public can make a complaint against one of its employees, and that the respondent city has no complaint form and no email address designated for receiving complaints. It is also found that the respondent City Assessor, due to the nature of her official duties and responsibilities, is the subject of many negative, generalized comments related to taxation, which are prevalent throughout various modes of communication and social media. It is further found that tax appeals in the city implicate the respondent City Assessor and are publicly available on the State of Connecticut's judicial website.

17. It is found that, having failed to engage in a dialogue related to clarifying the complainant's July 8<sup>th</sup> request or the complainant's August 5<sup>th</sup> request, the complainant sent his October 18<sup>th</sup> request, described in paragraph 2(a), above. It is also found that, rather than attempt to clarify his October 18<sup>th</sup> request, the complainant initiated this complaint.

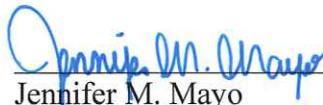
18. It is found that the respondents informed the complainant on multiple occasions that his requests were duplicative, vague and ambiguous, and the respondents requested additional information in order to search for responsive records. It is also found that the complainant did not provide the respondents with additional information clarifying his requests.

19. It is therefore concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., with respect to the complainant's request described in paragraph 2(a), above.

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 September 27, 2023.

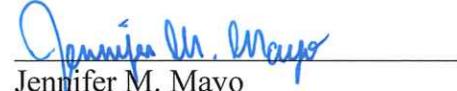
  
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Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**REMI ONOPA**, 11 Falcon Lane, Meriden, CT 06451

**CITY ASSESSOR, OFFICE OF THE CITY ASSESSOR, CITY OF MERIDEN;**  
**OFFICE OF THE CITY ASSESSOR, CITY OF MERIDEN; AND CITY OF**  
**MERIDEN**, c/o Attorney Emily E. Holland, Meriden Corporation Counsel, 142 East Main Street, Meriden, CT 06450

  
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Jennifer M. Mayo  
Acting Clerk of the Commission