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# FREEDOM OF INFORMATION

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City of Stamford

Complainant(s)

Notice of Meeting

against

PRVR #4

Matthew J. Olson

Respondent(s)

November 4, 2022

## Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

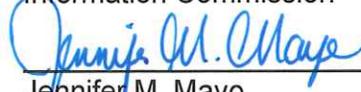
This will notify you that the Commission will consider this matter for disposition at its meeting which will be held **in person** at the Freedom of Information Commission's Hearing Room, Conference Room H, located on the ground floor at 165 Capitol Avenue, Hartford, Connecticut, at **2:00 p.m. on Wednesday, November 16, 2022.**

At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE November 15, 2022.** Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE November 15, 2022.** **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE November 15, 2022,** and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of  
Information Commission



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Jennifer M. Mayo  
Acting Clerk of the Commission

Notice to:  
Attorney Kenneth Weinstock  
Matthew Olson

PRVR#4/TRA///JMM/2022-11-4

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

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

Report of Hearing Officer

City of Stamford,

Petitioner

against

PRVR #4

Matthew Olson,

Respondent

November 4, 2022

The above-captioned matter was heard as a contested case on April 20, 2022, May 20, 2022, August 9, 2022, and October 13, 2022, at which times the Petitioner and Respondent Olson appeared and presented testimony, exhibits and argument on the Petition for Relief from Vexatious Requester (“Petition”). Due to the COVID-19 pandemic and the state’s response to it, the hearings on April 20, May 20, and August 9, 2022 were conducted through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session). The October 13, 2022 hearing was conducted in-person.

As set forth more fully, in paragraphs 109 through 113, below, during the fourth hearing on October 13, 2022, Respondent Olson, without notice to the hearing officer, left the hearing during a recess and did not return, prior to cross-examination of the Petitioner’s second and final witness, and presentation of his case.

The hearing officer took administrative notice of all communications submitted to the Commission regarding the Petition, and so notified the parties at the fourth hearing on October 13, 2022.

By motion dated October 7, 2022 and filed with the Commission on October 10, 2022, David Godbout moved to intervene in these proceedings. By Ruling dated October 12, 2022, such motion was denied on the ground that Mr. Godbout lacked the requisite standing.

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

1. The Petitioner is a public agency within the meaning of §1-200(1), G.S.

## I. THE PETITION AND PROCEDURE FOLLOWING ITS FILING

2. On November 30, 2021, the Petitioner, City of Stamford and its public officials and departments, filed with the Commission a Petition for Relief from Vexatious Requester (“Petition”), pursuant to §1-206(b)(5), G.S.<sup>1</sup>

3. The Petition alleged that the Respondent, Matthew Olson, is a vexatious requester and detailed examples of Freedom of Information (“FOI”) Act requests, conduct, and communications that the Petitioner believes demonstrate that Respondent Olson has a vexatious history, that Respondent Olson 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 Petitioner, pursuant to §1-206(b)(5), G.S.

4. 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....

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<sup>1</sup> This Petition incorporates a Petition for Relief from Vexatious Requester that was filed with the Commission by the City of Stamford against Matthew Olson on July 17, 2020 and docketed as PRVR #3; City of Stamford v. Matthew Olson (“PRVR #3”). The Commission notes that on October 29, 2021, the Commission’s Executive Director and General Counsel notified the parties that, in reliance on §1-206(b)(5), G.S., and Executive Order 7M (March 25, 2020), the Commission no longer retained jurisdiction in PRVR #3 and would take no further action with respect to PRVR #3. However, the parties were advised that such Petition could be refiled.

5. The Petitioner has the burden of proof to demonstrate that a requester is vexatious under §1-206(b)(5), G.S.

6. 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, dated April 1, 2022, setting the hearing down for April 20, 2022.

II. DEFINITION 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.

7. In Petition for Relief from Vexatious Requester #1; Town of East Lyme and East Lyme Board of Education v. David Godbout (Feb. 26, 2020) (“PRVR #1”), the Commission analyzed the meaning of, and ultimately defined, several terms set forth in §1-206(b)(5), G.S., as follows:

- (a) Vexatious: “causing vexation: distressing; intended to harass.”<sup>2</sup>
- (b) “Pattern of Conduct” requires a showing of recurring incidents or repetitive behavior on the part of the requester.
- (c) “Abuse of the right to access information under the FOI Act” requires the Commission to assess the cumulative nature of the requester’s requests and conduct, and their effect on the petitioning agency.
- (d) “Interference with the operation of the agency” 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.

III. PROCEDURAL HISTORY

8. The hearing first convened on April 20, 2022 at 2 p.m. The Petitioner appeared with two witnesses, Michael Toma, Assistant Corporation Counsel for the City of Stamford, and Kathryn Emmett, Special Counsel and former Director of Legal Affairs & Corporation Counsel for the City of Stamford. Respondent Olson appeared. The Commission notes that, prior to this hearing date, the Petitioner filed a witness list, in accordance with instructions from the Commission, identifying Attorneys Toma and Emmett. In contrast, throughout the course of this proceeding, Respondent Olson failed to file any witness list or indicate who would be testifying on his behalf. The April 20, 2022 hearing adjourned at 3:18 p.m. in advance of the allotted time

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<sup>2</sup> See, *Merriam-Webster*, <http://www.merriam-webster.com/dictionary/vexatious> (accessed October 25, 2020). The Commission adopted the common dictionary definition of such term for purposes of §1-206(b)(5), G.S.

for the hearing, after extensive argument, admission of evidence, and opening statements.

9. The second hearing convened on May 20, 2022 at 2:01 p.m. and adjourned, with the agreement of the parties, at 4:00 p.m., after extensive direct examination of Attorney Toma, with protracted objections throughout by Respondent Olson. The Commission notes that the hearing officer then offered the parties several dates for a third continued hearing, beginning on June 23, 2022. Both parties had limited availability through the summer due to scheduled vacations and other personal and professional commitments. The first date that the parties were both available was August 9, 2022, and the parties later agreed upon August 15, 2022, as an additional continued hearing date, if needed. Hearings on both dates were scheduled to begin at 11 a.m., and the hearing officer advised the parties that he intended to “go for several hours both days” in order to afford the parties the time necessary to present their respective cases.

10. The third hearing convened on August 9, 2022 at 11:16 a.m., at which time the Petitioner and its witnesses appeared, as did Respondent Olson. The hearing adjourned, at the request of Respondent Olson, at 2:05 p.m. Respondent Olson stated that he had only set aside three hours for the hearing, and that he needed to return to work (noting that he was “the only person in the room not being compensated for his time”). The Commission notes that the hearing officer asked the parties how much additional time they needed to present their respective cases. The Petitioner indicated that he would need 1-1.5 hours to complete its case; Respondent Olson indicated that he had extensive cross-examination for Attorney Emmett and that he would require 1-1.5 hours for presentation of his case. In light of the representations of the parties, the hearing officer agreed to adjourn per Respondent Olson’s request, and reminded the parties that the August 15, 2022 hearing would occur from 11 a.m. to 4 p.m. in order to continue and conclude the matter.

11. As set forth in paragraphs 82, 83, 85 through 88, and 93 through 97, below, the fourth hearing scheduled for August 15, 2022 was postponed at the request of Respondent Olson, as was the rescheduled continued hearing of September 12, 2022. The Commission notes that the parties were ordered on multiple occasions to advise the Commission of their mutual availability for continued hearings in this matter. Ultimately, the only date agreed upon by the parties for the fourth hearing was October 13, 2022.

12. Thus, the fourth and final hearing on this matter convened on October 13, 2022. The Petitioner appeared with its witnesses, and Respondent Olson appeared. After extensive argument by Respondent Olson when the hearing convened, Respondent Olson voluntarily, and without explanation to the Hearing Officer, left the proceedings during a recess, abandoning his opportunity to cross-examine Attorney Emmett and present additional documentary evidence or any testimonial evidence whatsoever, in his defense.<sup>3</sup> Respondent Olson never took the oath in this matter and, thus, never testified in this matter.

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<sup>3</sup> On October 13, 2022, after he left the proceedings, Respondent Olson filed a Statement Regarding Respondent’s Early Departure from October 13, 2022 Hearing, in which he stated that the reason he left the proceedings early (and without notice to the Hearing Officer) was the Hearing Officer’s suggestion that Respondent Olson’s son’s visit to the United States Naval Academy could have occurred on a different date, which could have avoided having to reschedule the September 12, 2022 hearing date. Respondent Olson claimed that this suggestion impugned his son’s character or belittled the needs and motivations of “military families.” Respondent Olson stated further that he:

13. On October 14, 2022, the day after the fourth hearing, Respondent Olson filed a Motion to Reconvene the hearing, seeking a reopening of the hearing. The Petitioner objected. Because Respondent Olson left the hearing of his own accord and, without good reason, abandoned the proceeding, such motion was denied by the hearing officer.

14. The Petitioner and Respondent Olson each filed a post-hearing brief on October 20, 2022 pursuant to the order of the hearing officer. On October 21, 2022, Respondent Olson filed a post-hearing brief addendum, which was permitted over the objection of the Petitioner. The Petitioner was permitted to file a reply, which was filed on October 26, 2022.

#### IV. RESPONDENT OLSON'S FOI REQUESTS, RELATED CONDUCT AND COMMUNICATIONS

15. In its Petition, documentary evidence, and witness testimony at the hearings on this matter, the Petitioner set forth evidence of Respondent Olson's various FOI requests, and his conduct related thereto, when communicating with the City of Stamford, its employees, corporation counsel, officials, and members of the police department. Such requests and conduct are detailed in the findings set forth in paragraphs 17 through 71, below.<sup>4</sup>

16. It is found that, between July 24, 2019 and November 5, 2021 (a period of 27 and a half months), Respondent Olson made, at least, thirty-two FOI requests<sup>5</sup> (an average of more than one request per month), with various departments within the City of Stamford, the majority of which were focused on the City's legal and police departments. It is found that the Petitioner attempted to comply with each of Respondent Olson's FOI requests, even if, at times, compliance was delayed due to the COVID-19 pandemic or by compliance with other duties to the public.

##### **A. The genesis of Respondent Olson's numerous voluminous and continuous FOI requests and related conduct, referenced in paragraphs 18 through 70, below, stemmed from an incident with a City police officer who instructed Respondent Olson to move his parked vehicle.**

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cannot respect the integrity, or even existence, of any government body that believes its agenda supersedes that of our military and their families. ... Commissioner Hankins appears to have considerable military memorabilia in his online meeting background. His apparent infatuation with the military, while pissing ... on the integrity of a young man committing to military service, speaks volumes about his character and sanity.

In the Statement, Respondent Olson also called the hearing officer a "fraud" and a "disgrace to public service."

<sup>4</sup> The Petition alleges conduct by Respondent Olson beginning on July 24, 2019 through the date the Petition was filed, November 30, 2021. During the course of this proceeding, the Petitioner submitted additional evidence of Respondent Olson's conduct through May 19, 2022.

<sup>5</sup> The Petitioner identified a total of thirty requests in its Petition and the Commission titles each such request herein in the same manner as the Petitioner (e.g., First Request, Second Request, Third Request, etc.). In addition, the Commission finds that the documentary evidence demonstrates that Respondent Olson issued two additional FOI requests not described in the Petition, which include one dated July 25, 2019 and one dated October 17, 2019. Respondent Olson also submitted a thirty-third FOI request on May 19, 2022, after the filing of the Petition in this matter. These FOI requests that are hereinafter described in the Petition are identified by date herein.

17. It is found that Respondent Olson's FOI requests and related conduct, referenced in paragraphs 18 through 71, below, began as a reaction to a City of Stamford police officer reporting to Respondent Olson's residence in North Stamford, Connecticut on or about July 24, 2019. At such time, the police officer questioned Respondent Olson about his vehicle that was parked on an adjacent public roadway and instructed Respondent Olson to move it ("July 24, 2019 Parked Car Incident"). This discrete interaction apparently set Respondent Olson on a quest to determine who had contacted the police about his vehicle and, when he did not receive the responses he sought, he responded by bombarding City departments with numerous and voluminous FOI requests and emails.

18. It is found that, by email dated July 24, 2019 (the day of the Parked Car Incident), not long after the police officer, described in paragraph 17, above, questioned Respondent Olson in the July 24, 2019 Parked Car Incident, Respondent Olson submitted his first FOI request to the Director of 911 Communications Center for the Petitioner ("First Request"), seeking information that would identify the individual who called the police regarding his vehicle. In his July 24, 2019 email, Respondent Olson demanded that the caller be "prosecuted to the fullest extent of the law."

19. It is found that, in a separate email to the Director of 911 Communications Center, on July 24, 2019, Respondent Olson asserted that he was contemplating using "the responsive information to determine legal recourse."

**B. When he did not receive an immediate response to his request for information regarding the July 24, 2019 Parked Car Incident, Respondent Olson used the FOI process as a means of badgering and retaliating against the City police department.**

20. It is found that, when he did not receive an immediate response to his First Request, the next morning, on July 25, 2019, Respondent Olson sent a three-page, single-spaced email addressed to the Acting Chief of Police, with copies to various senior officials for the City of Stamford, including: the Mayor, the Director of Legal Affairs, the Director of Public Safety, and a member of the Board of Representatives ("July 25, 2019 email") alleging that he had experienced "multiple episodes of threatening and harassment" by the Stamford Police Department and requesting related records.

21. It is found that, in the July 25, 2019 email, referenced in paragraph 20, above, Respondent Olson stated that he has lived in North Stamford since 2001, passed multiple FBI background checks, achieved one of the highest levels of federal security clearance, and that his wife was raised by her mother, because his wife's "Naval Academy graduate and fighter pilot father was killed in action when she was just two years old."

22. It is also found that, in the July 25, 2019 email, Respondent Olson set forth the following "episodes of threatening and harassment" by the City police department:

- (a) An episode in 2004, where an officer went onto Respondent Olson's backyard after an auto accident had occurred on a nearby street. According to Respondent Olson, the officer pointed his firearm at Respondent Olson's dog, which he claimed demonstrated a "cold-blooded willingness . . . to violate my civil rights, including my right to privacy, and to take the lives of animals and innocent people." Respondent Olson did not claim that the dog or any individual was injured or that any shots were fired.
- (b) An April 2018 incident, when, according to Respondent Olson, a gang of four individuals attacked and physically assaulted his then 14-year-old son and his son's friend and stole the friend's cellular device ("Cellphone Incident"). According to Respondent Olson, the police harassed him because the police conducted a "token investigation" of the Cellphone Incident.
- (c) The July 24, 2019 Parked Car Incident, which Respondent Olson recounted in the July 25, 2019 email, this time stating that an officer came to his residence "fully armed, presumably prepared to kill me, my children and/or my dog if he felt threatened. He did so needlessly, with the sole purpose to harass me with false information relating to parking ordinances."

23. It is found further that Respondent Olson, in the July 25, 2019 email, claimed to be a victim of a crime and mistreated because of his race, as Respondent Olson stated that he is half Hispanic. It is also found that Respondent Olson wrote in the email: "I'm deeply concerned that your protection of the law-breaking complainant (in the July 24, 2019 Parked Car Incident) is based on her race and socioeconomic status. That is, rich white people have their own set of rules."

24. Embedded in the litany of complaints listed in the July 25, 2019 email, Respondent Olson included a separate FOI request ("July 25, 2019 Request")<sup>6</sup> seeking: the police department's policies regarding entering private property, the use of firearms, and the use of force against domestic animals on private property. Respondent Olson also demanded a clear explanation for the police department's unwillingness "to enforce the law against the complainant [described in paragraph 23, above]."

**C. When he still believed he had not received a satisfactory response from the City police department, Respondent Olson continued to use the FOI process to badger the department.**

25. It is found that, on July 30, 2019, the Acting Chief of the Stamford Police Department sent an email to Respondent Olson acknowledging his July 25, 2019 email and request pertaining to the Cell Phone Incident and the July 24, 2019 Parked Car Incident. The Acting Chief also sent an additional email on July 30, 2019, in which he acknowledged that Respondent Olson's son was a *witness* to a robbery during the Cellphone Incident, but noted that Respondent Olson's son

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<sup>6</sup> As noted in footnote 4, above, the July 25, 2019 request is not specifically identified in the Petition.

was not assaulted, nor was his cellphone stolen. The Acting Chief shared some of the details of the investigation and apologized that the department had insufficient information to make an arrest and that there was no more the department could do at that time.

26. It is found that, in reaction to the Acting Chief's emails described in paragraph 25, above, and what he considered to be an inadequate response, Respondent Olson sent at least six emails to the Acting Chief, the Director of Legal Affairs, and other employees of the Petitioner on July 30, 2019, wherein Respondent Olson:

- (a) blamed the Acting Chief for "people fleeing this state in droves;"
- (b) accused the "armed officer" of entering his private property to harass him;
- (c) claimed that a "rich white woman" called the police on him and caused him tremendous emotional pain, and put his and his family's lives in danger;
- (d) claimed that "an armed officer entered my private property and provided false parking ordinance information, followed by a threat to illegally tow (i.e., steal) my vehicle"; and
- (e) accused the Acting Chief of being dishonest and the police department of conducting a "token investigation" of the Cellphone Incident.

27. It is found that Respondent Olson ratcheted up his tone in one of the July 30<sup>th</sup> emails, addressed to the Director of Legal Affairs and copied to the Acting Chief of Police, the Mayor, the Director of Public Safety, and a member of the Board of Representatives, by stating:

*I understand you are the city's attorney, but I feel compelled to remind you of your oath to the Court. Acting Chief Wuennemann has demonstrably failed and refused to protect the safety and welfare of children. You may have a duty to report their actions (or lack thereof) to the State. Further, you may be obligated to report discriminatory treatment by your police department based on legally protected classes such as race or ethnicity. My emails are not privileged, so you are certainly aware.*

28. It is found that Respondent Olson, in a separate email dated July 31, 2019, again provided a more heightened recitation of the July 24, 2019 Parked Car Incident, alleging that the Acting Chief "deployed a body armor clad, armed-like-he's-in-a-warzone officer ... where he blocked my driveway with his fully-equipped police SUV, entered private property with no reasonable purpose, lied about parking ordinances and threatened to steal my vehicle."

29. It is found that, in an email to the Director of 911 Communications Center dated August 6, 2019, Respondent Olson accused the Director of Legal Affairs of having "absolutely no respect for the taxpayer or the rule of law."

**D. Thereafter, Respondent Olson then turned his attention and focus toward the City police department's internal affairs complaint process.**

30. It is found that, shortly after his July 30<sup>th</sup> and July 31<sup>st</sup> emails, referenced in paragraphs 26 through 28, above, Respondent Olson sought to file a Stamford Police Department internal affairs complaint against the officer who was involved in the July 24, 2019 Parked Car Incident.

31. It is found that, after Respondent Olson learned that the City of Stamford's website did not allow an internal affairs complaint to be completed and submitted online, he proceeded to levy a multitude of verbal attacks and accusations against the police department, the Petitioner and corporation counsel, in conjunction with additional FOI requests, as set forth in the paragraphs 32 through 38, below.

32. It is found that Respondent Olson sent a series of emails to the Stamford police lieutenant in charge of the Internal Affairs Division, as well as the Mayor, the Police Chief, and the President of the City's Board of Representatives regarding the July 24, 2019 Parked Car Incident and, in those emails, accused the responding officer of trespassing, argued that the officer should be arrested, and accused the caller of abusing the emergency communications system. He also claimed that the police discriminated against him because of his ethnicity.

33. It is found that, in multiple emails to members of the police department and the Director of Technology for the City (with at least one sent to the Mayor and other City officials) on August 7 and 8, 2019, Respondent Olson accused the City police department of intentionally making the internal affairs complaint process difficult in order to discourage people from filing complaints against the police department, and of being blatantly discriminatory and violating federal law.

34. It is found that, by email dated August 8, 2019, the Director of Technology for the City replied to Respondent Olson thanking him for his suggestions regarding the internal affairs complaint form and indicated that the technology department was in the process of developing a solution.<sup>7</sup>

35. It is found that, in a continuing pattern, by email dated August 9, 2019, to the Director of Legal Affairs, the Director of Administration, the Mayor and others, Respondent Olson submitted a request for "all FOI Requests received by the City of Stamford in 2019" ("Second Request"). Respondent Olson also complained again about the July 24, 2019 Parked Car Incident and insisted that the officer was sent to his residence just to harass him.

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<sup>7</sup> The Commission notes that, sometime after July 24, 2019, Respondent Olson was in fact able to, and did, file an internal affairs complaint. It is further found that the Stamford Police Department ultimately changed the complaint procedures and offered a complaint form that can be completed and submitted online, sometime in or before October 2019. Despite the changes, the respondent insisted on obtaining records relating to the policies regarding the complaint process in effect prior to the changes.

36. It is found that, after he was told by Lt. Sean Cooney of the City police department that he could submit his complaint to the department via email if he preferred, Respondent Olson remained unsatisfied and stated, in an email dated August 12, 2019 to a member of the Board of Representatives for the Petitioner:

I called Internal Affairs and was told that no accommodations would be made, that the only way to file a complaint was to print, fill out [a] form in handwriting and send in via regular mail or hand deliver to headquarters. ... Subsequently, *I eviscerated Lt. Cooney* (Commander of Internal Affairs), complaining that this was a violation of federal law and he indicated that I could submit my complaint via email. This is truly unacceptable and *very illegal*. ... I believe the form was purposefully designed to discourage citizens and visitors from filing complaints against Stamford Police.

37. It is found that, on that same day, August 12, 2019, Respondent Olson requested from the Petitioner all documents pertaining to federal funding for which the City of Stamford applied and/or received in calendar years 2017, 2018 and 2019 ("Third Request"). It is found further that, in the same email, Respondent Olson alleged that the City and the Mayor refused to communicate with disabled constituents or provide accommodations.

38. It is found that, in an email dated October 23, 2019 to the Legal Department, which was forwarded to Respondent Olson on the same date, the Grants Officer for the City of Stamford indicated that the records responsive to the Third Request would be exceedingly voluminous. She estimated that documents pertaining to the Community Development Block Grant, alone, would yield 5,684 pages. She also estimated that an additional 1,000 pages would be responsive.

**E. Respondent Olson continued to communicate with the City police department, which communications escalated in negative content and tone.**

39. It is found that between August 12, 2019 and November 6, 2019, Respondent Olson sent an additional six individual FOI requests (i.e., the Fourth, Fifth, Sixth, Seventh and Ninth Requests as well as a request dated October 17, 2019) to the Petitioner, seeking records related to the following matters, among others:

- (a) The City's parking enforcement procedures;
- (b) Procedures related to making and disposing of complaints concerning the Police Department;
- (c) Civilian complaints filed against the Police Department;
- (d) The personnel file of the commander of the major crimes unit at the time of the Stolen Cellphone Incident;

- (e) Respondent Olson's complaint against the Officer who was involved in the July 24, 2019 Parked Car Incident; and
- (f) The investigation of Respondent Olson's internal affairs complaint.

40. It is further found that, in his emails relating to the Fourth, Fifth, Sixth, Seventh and Ninth Requests, as well as the October 17, 2019 Request, Respondent Olson berated and accused, without any apparent basis for doing so, the Petitioner, its counsel, and the City Police Department of various transgressions, including dishonesty, criminal activity, and violations of state and federal law. By way of example, Respondent Olson stated the following in his emails:

- (a) The Police Department is a "criminal enterprise."
- (b) The Police Department violated various state and federal laws.
- (c) The Police Department demonstrated a pattern of silencing parties through force and intimidation, warning that he was recovering from a very serious heart condition and "would likely not survive an assault and/or incarceration."
- (d) The City engaged in criminal activity.
- (e) The City is acting illegally with impunity and, thus, the Director of Legal Affairs had a duty to withdraw representation.
- (f) "I assume that police and fire services are no longer available to me or my family, per your direction. Please explain what basis you revoked my resident rights? Will I receive a partial refund in tax payments?"
- (g) The City was criminalizing his public records requests.
- (h) The officer who was involved in the July 24, 2019 Parked Car Incident "committed a crime in coming to my property with a loaded gun to lie, threaten and harass me. He had absolutely no legal basis for entering my private property.

41. It is found that the content and tone of the emails referenced in paragraph 40, above, was angry, belligerent and accusatory.

**F. Thereafter, Respondent Olson then commenced a pattern of badgering and retaliatory behavior against the Law Department after it informed Respondent Olson that the Petitioner would not engage in further discussions with him.**

42. It is found that, at some point in time, the Law Department informed Respondent Olson that it would not engage in further discussions with him about his requests. Thereafter,

Respondent Olson sent an email to the Law Department on September 17, 2019 stating:

I have to say that I'm disappointed that you're unwilling to discuss these matters with me. Ultimately, you're a civil servant and you're obligated to be a good steward of taxpayer resources .... Further, if the City is acting illegally with impunity, you have a responsibility to withdraw representation.

43. It is found that, by letter attached to an email dated September 19, 2019, to the Petitioner, Respondent Olson submitted an FOI request ("Eighth Request") seeking all communications referencing Respondent Olson and his FOI requests, appeals or police complaints.

44. It is found that, in the same September 19, 2019 email, referenced in paragraph 43, above, Respondent Olson raised the specter of suing the Petitioner stating: "Hopefully, you and executive members of the city's administration understand the duty to preserve all evidence when litigation is reasonably anticipated. No emails or other communications should have been deleted from the onset of these matters. Doing so is potentially a criminal act."

45. It is found that Respondent Olson made a repetitive request on November 6, 2019 ("Tenth Request"), seeking "all communications referencing me, my name, my business, FOI request, and complaints."

46. It is found that, in an email dated November 14, 2019 to corporation counsel and others, Respondent Olson stated, "I find it extraordinarily troubling for an *armed militia member* to enter private property and *harass* a resident, under the auspices of parking enforcement."

**G. Respondent Olson used the FOI process to badger and retaliate against the Director of 911 Communications, after the Director sought a postponement of the hearing in a contested case, Docket #FIC 2019-0480; Matthew Olson v. Director of 911 Communications, Police Department, City of Stamford; Police Department, City of Stamford, and City of Stamford (Feb. 26, 2020), pertaining to one of Respondent Olson's FOI requests.**

47. It is found that, on or about November 8, 2019, the Director of 911 Communications for the Petitioner, requested a continuance of the contested hearing, in Docket #FIC 2019-0480; Matthew Olson v. Director of 911 Communications, Police Department, City of Stamford; Police Department, City of Stamford, and City of Stamford (Feb. 26, 2020), which concerned Respondent Olson's First Request. The stated reason for the postponement was that the Director was scheduled to attend the annual conference of the Association of Public Safety Communications Officers in Massachusetts.

48. It is found that Respondent Olson submitted several FOI requests immediately following the continuance request (Eleventh, Twelfth and Thirteenth Requests) to the Petitioner, seeking, among other records:

- (a) All communications, remote access logs, and browser history regarding the Director of 911 Communications;
- (b) All records related to the Director of 911 Communications' attendance at the annual conference of the Association of Public Safety Communications Officers in North Falmouth, MA; and
- (c) All records related to all reimbursable expenses for all of the City of Stamford employees, contractors, elected officials or any other individual requesting reimbursement from the City for 2019.

49. It is found that the emails Respondent Olson sent in conjunction with the requests described in subparagraphs (a) through (c) of paragraph 48, above, indicate that Respondent Olson sought to uncover what he believed were policy violations by the City and the Director of the 911 Communications Center.

50. It is found that the documents responsive to the requests described in subparagraphs (a) through (c) of paragraph 48, above, were voluminous, particularly those responsive to subparagraph (c).

**H. Respondent Olson then began to badger and retaliate against the Legal Affairs Department by submitting numerous communications and FOI requests to the department.**

51. It is found that, beginning in January 2020, Respondent Olson became more exacting in targeting the Law Department after the Law Department, rather than the Controller, responded to his questions about his FOI requests regarding City of Stamford reimbursements for 2019.

52. It is found that between January 8, 2020 and June 3, 2020, Respondent Olson submitted three additional extremely broad requests (Fourteenth, and Fifteenth Requests), regarding records of the Legal Affairs Department, including:

- (a) All records related to the Legal Affairs Department's activities;
- (b) All records in the Legal Affairs Department's matter management system;
- (c) All records related to all matters in which the department was engaged, including timekeeping, expenses and work product for the year 2019; and
- (d) All governing documents for the department, including policies, procedures, and rules of engagement.

53. It is found that, in an email dated June 15, 2020, Respondent Olson also stated:

Legal Affairs has a \$35 million budget, which is 20 times that of other cities in CT. .... *You know what I'm looking for. How the heck do 8-9 attorneys burn through \$35 million a year?*

54. It is found that, by letter dated June 17, 2020, the Director of Legal Affairs corrected Respondent Olson's contention regarding the budget, as described in paragraph 53, above, informing him that the Law Department's budget was not \$35 million a year. Rather, the Office of Legal Affairs included *both the Law Department and the Department of Human Resources*. It is further found that she informed him that the total expense budget for the Law Department, alone, in fiscal year 2019/2020 was \$2,368,392. It is also found that the Director of Legal Affairs informed Respondent Olson that the unfunded retiree benefit costs for all City employees was included in the Office of Legal Affairs budget and equaled more than \$30 million. It is found that the Director included backup documents and referenced budget documents on the City website. Nevertheless, Respondent Olson refused to believe her.

55. It is found that, in response to the June 17, 2020 letter and documentation from the Director of Legal Affairs, Respondent Olson then wrote a stream of emails to the Director of Legal Affairs, and other City officials and attorneys, during June 2020, asserting the following:

- (a) The Director of Legal Affairs was "laughed out of the building" during an Freedom of Information Commission meeting;
- (b) "[s]uch frivolous activity begs the question: what are you doing with \$35 million dollars a year?"
- (c) "[t]he clear contradiction between [the Director of Legal Affairs'] statements and published financial reports make my request all the more pertinent. I wonder if these discrepancies are payouts being hidden from the public? Perhaps the mayor's slush fund?" and
- (d) "I have a hard time believing that if I was white, not Hispanic, that you would attempt to dismiss me with such absurd and demeaning arguments. ... As a nation, we are in the midst of much needed social change. You represent systemic and structural racism. I look forward to understating more about you and your department."

**I. After the Petitioner filed a Petition for Relief from Vexatious Requester against Respondent Olson in July 2020 ("PRVR #3"), Respondent Olson further escalated the content and tone of his communications, FOI requests and conduct toward the Legal Affairs Department.**

56. It is found that the Petitioner filed an earlier Petition for Relief from Vexatious Requester against Respondent Olson on or about July 16, 2020 ("PRVR #3"). The Commission

took no action on the Petition because the Commission's jurisdiction over it expired prior to the scheduling of such Petition. See also footnote 1 in paragraph 2, above.

57. It is found that in response to the filing of PRVR #3, Respondent Olson filed numerous FOI requests targeting the Legal Affairs Department and the attorneys it hired to represent the Petitioner in PRVR #3.

58. It is found that Respondent Olson submitted eight additional FOI requests between September 18, 2020 and November 3, 2021 (Sixteenth, Twentieth, Twenty-Second, Twenty-Third, Twenty-Sixth, Twenty-Seventh, Twenty-Eighth, and Twenty-Ninth Requests) to the Petitioner and its departments, seeking, among other records:

- (a) All records related to legal services provided to City of Stamford by, Kainen, Escalera and McHale PC, an outside law firm retained by the Petitioner during calendar years 2018, 2019 and 2020, including all services/retention agreements, invoices, and other billing records;
- (b) All financial records related to legal services provided to City of Stamford by all other outside law firms or attorneys, between 2019 and 2020 as well as monthly expense/budget tracking reports for the Law Department for the period of 2019 through 2020;
- (c) The race and ethnicity information for each licensed attorney employed by the City of Stamford (wherein Respondent Olson quipped: "I trust that you are very proud of the diversity of your organization and will promptly respond");
- (d) Browser history, operating system logs, and software installed on personal computers or laptops accessed by Kathryn Emmett, Michael Toma and Burt Rosenberg for 2021.
- (e) All unredacted invoices for year 2021 from Kainen, Escalera and McHale PC.
- (f) All records related to the Petition, including all work product, research, reports, background checks, bills and invoices, or any other artifact generated by or provided to the City related to this PRVR #4.

59. It is found that Respondent Olson's statements contained in emails related to the FOI requests identified in paragraph 58, above, were taunting, badgering and retaliatory, including, for example, the following:

- (a) "Can't wait to find out what 4th Amendment violations you may have committed."

- (b) “In the midst of Trump's rhetoric about ‘Mexicans’ being rapists and murderers, if you think calling an upstanding Hispanic resident a criminal is acceptable, I've got reality for you. Each and every one of you are despicable racists.”
- (c) “BTW, have I mentioned before that my mother-in-law is [a] retired career DOJ (Criminal Division)?”
- (d) PRVR #3 “was essentially a request for the Commission to commit a federal crime. Therefore, attorney-client privilege was destroyed by the crime-fraud exception. The attorney-client privilege does not apply when a lawyer and a client discuss ways to commit or perpetuate crime or fraud.”
- (e) “The law requires transparency. I find it appalling that you would waste precious City and State resources to hide your activity. It speaks volumes about your character and concern for residents during such a difficult time.”

60. It is found that, by email dated November 10, 2020 to the Director of Legal Affairs, Respondent Olson claimed that the law firm representing the Petitioner sent Respondent Olson a virus, via email, and stated:

The behavior of Ken Weinstock and his firm has been outrageous. He was unwilling to make accommodations based on my high-risk COVID-19 status, he's harassed me with multiple frivolous filings, and now his firm sent me a virus. What's more troubling is that this particular phishing scam is easily-preventable with basic IT security. This episode tells me that this firm does very little, if anything, to safeguard client information. I don't know what personal information of mine and other Stamford residents you have provided to them, but none of it [is] safe. Clearly, this is a pattern of unethical, unprofessional and irresponsible behavior.

**J. Respondent Olson also badgered one of the Petitioner's expert witnesses after the Petitioner filed PRVR #3.**

61. It is found that the Petitioner retained Attorney David Atkins of Pullman and Comley LLC, as an expert witness who testified at a hearing before the Commission regarding one of Respondent Olson's complaints to the Commission, Docket #2020-0308; Matthew Olson v. City Attorney, City of Stamford; and City of Stamford (June 8, 2022).

62. It is found that, on May 18, 2022, Respondent Olson posted a Google business profile review of Attorney Atkins stating: “Their legal ‘ethicist’ David Atkins is a common thief.”

63. It is found that, by email dated May 19, 2022, to David Atkins and partners of his firm, Respondent Olson alleged concerns about Attorney Atkins for testifying at the hearing in Docket #2020-0308; Matthew Olson v. City Attorney, City of Stamford; and City of Stamford (June 8, 2022) and claimed that Attorney Atkins acted dishonestly and unprofessionally.

64. It is found that, by letter dated May 19, 2022, to the City Attorney of the City of Stamford (“Thirty-First Request”), Respondent Olson then requested records related to the City of Stamford’s engagements with Attorneys David Atkins and Mark Sommaruga of Pullman & Comley, for any matters related to Respondent Olson.

**K. After the filing of PRVR #3, Respondent Olson’s negative conduct further escalated toward the Petitioner through the filing of miscellaneous FOI requests and communications to the police and other City Departments.**

65. It is found that, as set forth in paragraphs, 66 through 71, below, after the Petitioner filed PRVR #3, Respondent Olson submitted various FOI requests to the Police Department and other City employees.

66. It is found that, on September 18, 2020, after the Director of Administration for the Petitioner confirmed the Director of Legal Affairs’ earlier communications concerning the Legal Affairs Department’s budget, as referenced in paragraph 54, above, Respondent Olson made an FOI request by email, seeking all of the Director of Administration’s communications since she re-joined the City in early 2020 (“Seventeenth Request”). In the same email, Respondent Olson stated: “I believe there is even *potential criminal liability* for intentionally withholding the public’s property.”

67. Also on September 18, 2020, Respondent Olson requested from the Chief of Police, “all reports, dispatch summaries, communications or any other material related to incidents where Stamford Police charged an individual with violation of CGS 53a-167a [Interfering with an officer]” for the years 2018, 2019 and 2020 (“Eighteenth Request”). In the same email, Respondent Olson stated:

I remain concerned that your department initiates illegal or unnecessary encounters, escalates through intimidation, and then abuses this statute to justify the situation. ... I believe there is even potential criminal liability for intentionally withholding the public’s property.

68. In conjunction with another FOI request to the Police Department, dated January 5, 2021 (Nineteenth Request”), Respondent Olson stated: “I’d like to understand what would justify Officer Estebrook cold-cocking my 12-year old daughter (although she’s 5’5”, perhaps too big for him), should she have the misfortune of coming in contact with him.”

69. It is found that, Respondent Olson made additional, miscellaneous FOI requests, between July 7, 2021 and November 5, 2021, that on their face appear aimed at badgering the Petitioner, not to obtain public access, including for example, his requests for copies of:

- (a) the City of Stamford’s cybersecurity efforts, including insurance coverage, related policy documents, communications related to technology strategy and implementation related to working remotely (“Twenty-Fourth Request”);

- (b) all emails, notes (typed and handwritten), calendar entries, memoranda, documents, presentations, reports or any other record where Diversity, Equity, and Inclusion Officer position was mentioned, directly or indirectly (“Twenty-Fifth”);
- (c) All records related to the registrar’s discussions regarding the use of police or other law enforcement at voting precincts to suppress disorder on November 2, 2021 (“Thirtieth Request”).

70. It is found that, by email dated May 17, 2022 to the Petitioner, Respondent Olson repeated unfounded accusations of racism and taunted the Petitioner about the hearings in this matter, stating:

I am looking forward to Friday. Let me take a stab at your closing argument: ‘Fat Mexicans cannot be allowed to express outrage about police misconduct, question misuse of funds, criticize government. We must take away his rights and privileges ...’

71. It is found that, by email dated May 18, 2022 to the Mayor, as well as the attorneys representing the City, Respondent Olson made the following statements regarding the PRVR process and the Petitioner:

Folks,

Your racist attorneys continue to lose. Your MAGA messaging will not resonate in any public forum. ... This has and continues to be a hate-driven attack on my good character, completely devoid of legal merit.

The fact that you've spent well over \$50k to spew racist hate towards me, while cutting special education and other vital resources, speaks volumes. The rest of the minority communities see what I see. The next election is not far away.

V. RESPONDENT OLSON’S COMMUNICATIONS WITH, AND CONDUCT TOWARD, THE COMMISSION DURING THE COURSE OF THIS PROCEEDING

72. After the filing of the Petition in this matter, it is found that, by email dated December 9, 2021, Respondent Olson filed with the Commission a response to the Petition, wherein he denied the allegations therein, referred to the Petition as a “racist manifesto”, and accused the Commission of providing the Petitioner with “a platform ... to defame and attack” him on the basis of his ethnicity.

73. It is found that, following the issuance of the Notice of Hearing and Order to Show Cause on the Petition, via email dated April 5, 2022, Respondent Olson inquired of the Commission whether a default judgment would be entered against him if he failed to appear. Respondent Olson also stated his disapproval with the Executive Director’s determination to set

the matter down for a hearing, criticized the Commission, and questioned its mission. In summary, the email included:

- (a) A statement wherein Respondent Olson questioned the Executive Director's decision to set the matter down for a hearing (“[I]t is perplexing that you (and you alone) would choose [to] proceed with a hearing.”);
- (b) A criticism of the Commission and its staff, referring to them as a “racial, generational, caste, and class groups that are friendly to the status quo and hostile to progress”;
- (c) A reference to the killing of George Floyd to support Respondent Olson's contention that the Commission does not enforce the FOI Act: “Had George Floyd been killed by police in Waterbury or Bridgeport, the witness video would have been confiscated and this Commission would have diligently performed its duty in preventing its release, along with body cam footage. Under [Executive Director Colleen] Murphy and [Chairman Owen] Eagan's leadership, George Floyd would have died of a heart attack resulting from a drug overdose”; and
- (d) An accusation that the Commission was “entertained by the Petitioner's defamation and racial insults of [Respondent Olson].”

74. It is found that Respondent Olson delayed the first day of hearing in this matter with extensive argument on his Motion to Suppress All Content and Exhibits in PRVR#3 And Any Other Evidence Provided to the Commission after April 14, 2022, dated April 19, 2022 (and refiled April 20, 2022). Respondent Olson sought to preclude admission of PRVR #3 and its supporting exhibits, and any other new exhibits Respondent Olson alleged were not previously provided to him.

75. During the first hearing, Respondent Olson contended that the Petitioner failed to submit PRVR #3 and its exhibits at least three business days prior to the hearing (as set forth in the Commission's Notice regarding the April 20, 2022 hearing); he destroyed all physical copies of PRVR #3 (though during oral argument on the motion he conceded that he maintained a copy, albeit in storage, and he had not retrieved such copy); and although the Petitioner electronically transmitted all exhibits to Respondent Olson one day prior to the hearing, he refused to click on the link to access the exhibits because he did not trust weblinks from the law firm.<sup>8</sup> Respondent Olson accused the Acting Clerk of the Commission of “scheming” with the Petitioner regarding submission of exhibits when she notified the Petitioner's attorney that the Commission required physical copies (in addition to the electronic copies provided) of the Petitioner's exhibits.

76. After extensive argument by Respondent Olson during the first hearing on April 20, 2022, the motion was denied by the hearing officer. It is found that the hearing officer set forth his reasons for so ruling: the admission of exhibits that were not served three days prior to the

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<sup>8</sup> Specifically, Respondent Olson contended that weblinks are dangerous and pose a cyber security risk, and further claimed that the Petitioner's counsel tried to send him a computer virus.

hearing is within the hearing officer's discretion<sup>9</sup>; the Commission and Respondent Olson received and maintained a copy of PRVR #3; most of Petitioner's evidence consisted of communications to and/or from Respondent Olson; and all exhibits were provided to Respondent Olson via weblink, despite Respondent Olson's refusal to click the link to retrieve the exhibits.<sup>10</sup> Finally, the hearing officer explained that the communication between the Acting Clerk of the Commission and the Petitioner's counsel about the transmission of exhibits did not constitute an ex parte communication and was therefore appropriate.

77. It is found that the hearing in this matter was further delayed when the hearing officer adjourned the April 20, 2022 proceeding prior to its scheduled conclusion (and importantly, before the Petitioner began examination of any of its witnesses) and ordered the Petitioner to deliver physical copies of all evidence to Respondent Olson prior to the continued hearing date, in light of Respondent Olson's concern about the exhibits. The Petitioner complied with the hearing officer's order, which Respondent Olson confirmed in a notification to the Commission.

78. It is found that, despite the hearing officer's adjournment of the hearing and order to the Petitioner to deliver physical copies of all evidence before the hearing continued, on the following day, Respondent Olson emailed the Commission's Executive Director and Chairman, along with the State of Connecticut's Chief Information Technology Officer, under the subject "concerns about information security practices." Without any basis, Respondent Olson accused the hearing officer of having "mocked and demeaned him" and stated that the hearing officer's "lack of awareness of basic cybersecurity is appalling and puts the State's entire technology infrastructure at risk."

79. It is further found that, on the day following the first hearing, Respondent Olson filed with the Commission his first Motion to Dismiss, stating that the Petitioner had not met its burden of proof (despite the fact that the hearing officer adjourned the hearing early and before the Petitioner was afforded the opportunity to present its case). Respondent Olson also requested that the Commission refer the Petitioner's witnesses to the Office of the Chief State's Attorney for making false statements, and to refer the Petitioner's counsel and witnesses to the Statewide Grievance Committee. Such motion was denied by the hearing officer, after argument by Respondent Olson at the second hearing on May 20, 2022 (the second hearing).

80. It is found that on April 25, 2022 Respondent Olson filed with the Commission a Memorandum Re Commissioner Hankins' Bias, contending that the hearing officer began the hearing "with a clear bias" against him. Respondent Olson accused the hearing officer of "lodging multiple insults and making multiple false statements, in an apparent attempt to justify said bias and insults." It is found that such contentions are not supported by the record.

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<sup>9</sup> Respondent Olson relied, in part, on an issued Notice Regarding Hearing wherein the parties were notified of certain requirements regarding the submission of evidence because of the remote nature of the proceedings. Specifically, parties were required to exchange all proposed exhibits at least three business days prior to the hearing. However, such notice also states that failure to comply with such rule *may* result in exhibits not being admitted.

<sup>10</sup> The hearing officer noted that Respondent Olson is an information technology ("IT") professional who appears well versed in information technology, which should assuage him of his concerns about such weblink.

81. It is found that, during the third hearing on August 9, 2022, the hearing officer asked Respondent Olson if he would like a short recess to prepare for his cross-examination of the Petitioner's witness, Attorney Toma. It is found that Respondent Olson replied that he did not, but requested a restroom break instead. It is found that the hearing officer granted the request and stated, "*this is the FOI Commission, but we don't need all of that information.*" It is found that a short recess occurred, and the parties returned to the hearing. It is further found that Respondent Olson then engaged in a nearly two-hour long cross examination of Attorney Toma. As previously stated in paragraph 10 , above, the hearing was adjourned earlier than scheduled, at the request of Respondent Olson, to enable him to return to work.

82. It is found that, on August 11, 2022, Respondent Olson filed a Request to Postpone the August 15, 2022 Hearing (the fourth hearing). Respondent Olson stated that he sought "to ask the State of Connecticut to intervene and potentially seek counsel to ensure that the Commission operates in accordance with all applicable State and Federal disability laws."

83. In support of the Request to Postpone the August 15, 2022 Hearing, Respondent Olson contended that he felt mocked, scolded, disparaged, and ashamed by the hearing officer when, during the third hearing, he requested to use the restroom, and the hearing officer replied that "he didn't need to share so much information." Respondent Olson also objected to future hearings that would proceed for several hours, and that future hearings would be scheduled "apparently with no meal breaks." For the first time in this matter, Respondent Olson stated that he could not attend a five-hour hearing, or sustain extended periods of stress, and that he is easily fatigued. Finally, Respondent Olson indicated that he sought a postponement to ask the State to intervene and potentially to seek counsel "to ensure that the Commission operates in accordance with all applicable State and Federal disability laws."

84. It is found that, on August 12, 2022, the hearing officer denied Respondent Olson's Request to Postpone the August 15, 2022 Hearing. The ruling, in relevant part, set forth the following points and information:

- (a) The hearing officer indicated that he had no intention to shame or disparage Respondent Olson, and that all requests to recess to use the restroom, or for any reason, had been granted. In fact, no request to adjourn early or recess had been denied by the hearing officer through the date of the ruling.
- (b) The parties were reminded that the hearings scheduled for August 9 and August 15, 2022 were allotted for several hours to allow the parties the opportunity to present their respective cases. At no prior time did either party object to or ask that the hearing convene for a limited period.
- (c) Respondent Olson's Request to Postpone the August 15, 2022 Hearing was the first time he notified the hearing officer that he could not appear for an extended period of time.

- (d) Nevertheless, the hearing officer advised that, consistent with prior practice during the hearing, all requests to recess, for any reason, would be granted, and a lunch break would be provided.

85. It is found that on August 12, 2022, Respondent Olson filed a Notice of Non-Appearance at the August 15, 2022 Due to Health Risk. Respondent Olson stated: “Hankin’s August 12, 2022 Denial is a shameful day for the Commission. Hankins dismissed and justified his disparagement of Respondent Olson, and maliciously increased the duration of the August 15, 2022 hearing. To think that a state agency in 2022 would not take a pause to address accessibility concerns is truly frightening.” Finally, he stated that he would “not put his health at risk to satisfy the ego of the hearing officer” and that he would not attend the fourth hearing.

86. It is found that the hearing officer issued an additional Notice and Order, dated August 12, 2022, notifying the parties that additional accommodations would be provided as follows: a recess at least every hour; an extended lunch period; and that all requests to recess for any reason would be granted, as would any request to adjourn. Respondent Olson was ordered to advise the Commission of any other reasonable accommodations necessary to proceed on August 15, 2022.

87. However, it is found that, later on August 12, 2022, Respondent Olson e-mailed the Commission in response to the hearing officer’s August 12, 2022 notice, stating that his notice of non-appearance “stands” and that he intended to pursue a complaint with the Connecticut Commission on Human Rights and Opportunities (“CHRO”) against both the hearing officer and the Commission. It is further found that Respondent Olson stated that he questioned the hearing officer’s “mental and emotional state” and “fitness to interact with the public on behalf of the State.” It is further found that Respondent Olson accused the hearing officer of requiring him to “discuss [his] medical condition and work out accommodations in front of the Petitioner,” that doing so would require him to “grovel” for accommodations, and that would be “disgusting.” It is found that Respondent Olson grossly mischaracterized the hearing officer’s ruling.

88. Nevertheless, it is found that, because of the communications from Respondent Olson about his stated medical condition and potential need for certain other, unidentified accommodations, the hearing officer postponed the August 15, 2022 hearing that morning, to allow Respondent Olson additional time to notify the Commission of what further accommodations he needed. It is further found that the hearing officer ordered Respondent Olson to notify the Commission’s Executive Director of such accommodations by close of business on Wednesday, August 17, 2022. The Commission notes that, later in the proceedings, Respondent Olson accused the hearing officer of making a last-ditch effort to rectify what Respondent Olson perceived as the hearing officer’s errors, and for reasons unknown attributed the hearing officer’s determination to postpone the fourth hearing to the Commission’s Executive Director.

89. It is found that, prior to the Commission’s issuance of the notice that the August 15, 2022 hearing had been postponed, Respondent Olson filed with the Commission his second Motion to Dismiss, wherein he contended that the Petition is based upon Respondent Olson’s protected speech and right to petition the government and, therefore, should be dismissed; the Commission lacked the authority to provide the requested relief; and the Commission’s failure to accommodate him violated his rights under federal and state law.

90. It is found that, on the next day, August 16, 2022, Respondent Olson emailed the Commission's Executive Director and its Chairman, advising an additional time that he was "inclined to cease participation" in the proceedings. It is further found that Respondent Olson accused the Commission of acting in a manner that is "discriminatory and malicious," clearly ignoring all of the reasonable accommodations proffered, and the invitation to notify the Commission of other additional necessary accommodations. Respondent Olson opined that his "due process rights have been mauled" and that he had been "irretrievably prejudiced in this matter."

91. It is found that, on the next day, August 17, 2022, Respondent Olson expanded upon his August 15, 2022 Motion to Dismiss, contending that he always engaged with the Commission in good faith, that he had been ordered by the Commission to "defend ugly (racist dog-whistles, gaslighting) accusations" and that the Petition pertains to his constitutionally protected speech. He further proclaimed: "I do not believe that you – Executive Director Murphy – fully grasp the gravity of your gatekeeping responsibilities." It is further found that Respondent Olson also raised, without any basis, what he considered "a troubling web of relationships" between the Commission, the Petitioner, and its counsel. It is found, however, that although he could not ascertain whether a conflict exists, he believed that the Petition should be dismissed and refiled so that he could have a fair hearing.

92. It is found that, by Notice dated August 23, 2022, the parties were ordered to appear at the Commission for a fourth hearing in this matter on September 12, 2022.<sup>11</sup>

93. It is found that, by email and letter dated September 8, 2022, Respondent Olson filed a Request to Postpone the September 12, 2022 Hearing and Notice of Non-Appearance, despite having stated his availability for such date. Respondent Olson stated that he planned to be in Annapolis, MD the weekend of September 10 through 11, 2022 for a gameday visit and meetings related to his son's recent commitment to play football for the U.S. Naval Academy. Respondent Olson claimed that he would be unable to travel back to Connecticut until late September 11, or early September 12, 2022.

94. In further support of his Request to Postpone the September 12, 2022 Hearing and Notice of Non-Appearance, Respondent Olson represented that he had a meeting scheduled with CHRO on September 13, 2022, and that he believed that the Commission should hold any further hearing in abeyance until the CHRO decided whether to pursue his complaint against the Commission (referenced in paragraph 87, above).

95. Respondent Olson further advised that, should the hearing officer deny his Request to Postpone the September 12, 2022 Hearing and Notice of Non-Appearance, he had no intention of appearing for the September 12, 2022 hearing, writing: "Respondent will not put his own health or child's future at risk, regardless of Commissioner Hankins' ruling on this Request.

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<sup>11</sup> The Commission notes that, by Notice dated August 15, 2022, the Commission ordered the parties to advise of all dates they were available through September 30, 2022. However, the only date both parties were available was September 12, 2022.

Respondent WILL NOT APPEAR at the September 12, 2022, hearing in the likely event that Commissioner Hankins continues to act unethically, unfairly and in bad faith.”

96. It is found that the Petitioner notified the Commission that it did not object to the request to postpone but did object to the request to forego rescheduling the matter.

97. By Ruling dated September 9, 2022, the hearing officer granted Respondent Olson’s request to postpone the September 12, 2022 hearing. However, by Notice and Order dated September 12, 2022, the hearing officer also denied Respondent’s Olson request to forego further scheduling of a hearing on the Petition. The hearing officer notified the parties that no further requests to postpone would be granted, and the parties were ordered to *confer and jointly advise the Commission* of all dates on which they were mutually available for continued hearings in this matter through October 12, 2022. The hearing officer also notified the parties that failure to comply with this order would result in one final hearing convening on October 13, 2022 for presentation of all remaining evidence.

98. It is found that, in response to the hearing officer’s Notice and Order, dated September 12, 2022, Respondent Olson accused the Commission and hearing officer, without any basis, of being “corrupt and harassing him for 2.5 years; of waiting six months before scheduling a hearing in this matter; for allowing the Petitioner to take the entire summer off; delaying the matter by “fighting [him] on a reasonable accommodation”; allowing “mountains of irrelevant evidence and false testimony, burning many hours of hearings”; and that the Commission’s notice and order deprived Respondent Olson of due process. He concluded, “[f]olks, this is Corrupticut at its very finest. Hankins, Murphy, Schwind, Eagen – please, take a bow!”

99. For reasons unknown to the Commission, the parties failed to comply with the hearing officer’s September 12, 2022 order to confer and jointly advise the Commission of all mutual availability for continued hearing dates. Therefore, by Notice and Order dated September 15, 2022, the parties were ordered to appear at the hearing on October 13, 2022 prepared to present all evidence. It is further found that the parties were ordered to appear with all remaining direct testimony presented by affidavit (with all affidavits disclosed to the opposing party on or before October 10, 2022), and that all witnesses appear for cross-examination.

100. It is found that, by email dated October 10, 2022, the Petitioner timely served on Respondent Olson the affidavit of direct testimony of its remaining witness, Attorney Emmett, and accompanying exhibits. It is further found that Respondent Olson did not serve any affidavit or additional exhibits on the Petitioner.

101. It is found that, in response to the Petitioner’s email providing a copy of the City’s proposed evidence, by email dated October 10, 2022, Respondent Olson stated:

[T]oday is both a federal and state holiday celebrating indigenous people, for which I am approximately 12%. I would never have the disrespect or disregard to harass Weinstock on a day celebrating his background or heritage. I’ll repeat what’s in one of his exhibits - Weinstock is a nasty, racist little man. The

Commission gleefully gives him a platform. Dalena and Simmons gleefully pay him to be a racist.

102. It is found that, less than two full business days prior to the fourth and only remaining hearing date, by motion dated October 11, 2022, and amended on October 12, 2022, Respondent Olson filed a Motion for Subpoena of four employees of the City. Respondent Olson contended that each individual was involved in at least one of the FOI requests at issue, and testimony from each individual was necessary to respond to hearsay by the Petitioner's witnesses.

103. By Ruling dated October 12, 2022, the hearing officer denied the Motion for Subpoena as untimely. In so ruling, the hearing officer noted that, on September 15, 2022, the parties were ordered to prepare for the presentation of all evidence on October 13, 2022; the Petitioner disclosed a witness list, identifying Attorneys Toma and Emmett as its witnesses, and that hearsay testimony is admissible in administrative proceedings, but that it is afforded only the appropriate weight. Respondent Olson, as previously stated, did not disclose a witness list (see paragraph 8, above).

104. The Commission also notes that, during the third hearing on August 9, 2022, the hearing officer suggested to Respondent Olson that he make a written request to the Petitioner to produce certain witnesses for testimony in this matter. The hearing officer suggested that Respondent Olson do this before the next scheduled hearing date, then August 15, 2022, wherein the parties were supposed to complete the presentation of their cases. The Commission also notes that the hearing officer further explained that should the Petitioner object, the Commission could issue a subpoena for any such individual. The Commission further notes that throughout the course of this proceeding, Respondent Olson did not produce a witness list, and failed to make a request for the production of witnesses employed by the Petitioner.

105. It is found that, on October 11, 2022, Respondent Olson filed a very late Objection to Commission Order Dated September 15, 2022, described in paragraph 99, above, contending, without any basis, that the order violated the Uniform Administrative Procedure Act. Respondent Olson stated that he believed the hearing officer's order illustrated a "continued pattern of bias, incompetence, and disregard for due process." By ruling dated October 12, 2022, the hearing officer overruled Respondent Olson's objection.

106. It is found that, in a separate email to the Commission dated October 11, 2022, Respondent Olson filed an additional Motion to Postpone the October 13, 2022 Hearing, contending that the Commission failed to respond to his September 7, 2022 FOI Act requests, and that without the responsive records, he would be unable to adequately mount a defense.<sup>12</sup>

107. By Ruling dated October 12, 2022, Respondent Olson's Motion to Postpone the October 13, 2022 Hearing was denied.

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<sup>12</sup> The Commission notes that on September 7, 2022, Respondent Olson filed several FOI Act requests with the Commission. In one request, Respondent Olson seeks personnel records of the hearing officer in this matter (including, but not limited to, background reports, drug screens, biographies and work history, financial disclosures, compensation records, complaints, communications of concern about his comments, competence, fitness, etc.).

108. It is found that, in response to the hearing officer's denial, by email dated October 12, 2022, Respondent Olson stated: "Really, this one takes the cake. Issues of due process are not relevant, says the 8-year unemployed commissioner/judge/doctor/cybersecurity expert. Thanks for the chuckle. Have a good evening."

109. It is found that, on October 13, 2022, the parties appeared for the fourth and final hearing. It is further found that the Petitioner appeared with its witness available for cross-examination in accordance with the order of the hearing officer. It is found that Respondent Olson appeared, but did not submit any additional exhibits, any affidavit(s), or present any witness.

110. It is found that, for nearly the entire first hour of the hearing, Respondent Olson presented argument on his Motion to Dismiss, dated August 15, 2022, and orally raised and argued a Motion to Recuse. After such argument, both motions were denied by the hearing officer.

111. It is further found that Respondent Olson then requested a restroom break, and such request was granted by the hearing officer. However, it is found that Respondent Olson never returned to the hearing following the break. It is found that Respondent Olson advised the Petitioner's attorney and the building security manager that he was leaving and was not returning.

112. It is found that, following Respondent Olson's abandonment of the proceeding, the hearing officer admitted the Petitioner's additional evidence, and the Petitioner rested its case. The Commission notes that Respondent Olson had never taken the oath in this proceeding and therefore offered no testimonial evidence in support of any of his contentions.

113. It is found that, immediately following the hearing on October 13, 2022, Respondent Olson filed with the Commission a Statement regarding his abrupt departure from the hearing. Respondent Olson contended that during the hearing on October 13, 2022, the hearing officer was "pissing" on the integrity of Respondent Olson's son, and that he refused to "stand before any person and allow him/her to impugn the character of his son or belittle the needs and motivations of military families."

114. It is found that, by email dated October 14, 2022, Respondent Olson filed a Motion to Reconvene, requesting that the hearing be reopened to allow him to cross-examine Attorney Emmett. In support of this motion, Respondent Olson, without any basis, accused the hearing officer of attacking him, his family, and military families in general. It is further found that, within minutes of filing the motion, Respondent Olson filed with the Commission a screenshot which purports to be his Twitter account, wherein he recently tweeted "FOIC Commissioner Hankins is a literal [sic] piece of dog shit" and shared such tweet with the Twitter accounts of several State officials, including Governor Ned Lamont, Connecticut House Democrats and the Connecticut Senate Democratic Caucus and Republican Caucus, among others. Respondent Olson's motion was denied by the hearing officer.

## VI. ANALYSIS AND APPLICATION OF §1-206(b)(5), G.S. TO THE FINDINGS HEREIN

115. As set forth in paragraphs 17 through 70, above, between July 24, 2019 and November 5, 2021 (a period of 27 and half months), Respondent Olson made at least thirty-two requests (an average of more than one request per month), with various departments within the City of Stamford, the majority of which were focused on the City's legal and police departments.

116. It is found that Respondent Olson's requests spanned a very broad scope of records (e.g., all documents pertaining to federal funding for which the City of Stamford applied and/or received in calendar years 2017, 2018 and 2019 (Third Request); all electronic communications (email, instant messaging, network logs, system logs, VPN and remote access logs, browser history, building access logs), as well all files, logs or records which the city retains related to employees Joseph Gaudett and Sean Cooney from November 7, 2019 to November 14, 2019 (Eleventh Request); all records related to all reimbursable expenses, including but not limited to, travel, meals and entertainment for all City employees, contractors, elected officials, or any other individual requesting reimbursement from the City for the calendar year 2019 (Thirteenth Request); all records related to the Legal Affairs Department's activities (Fourteenth and Fifteenth Request); and browser history, operating system logs etc., for Kathryn Emmett, Michael Toma and Burt Rosenburg for 2021 (Twenty-Third Request)).

117. It is found that compliance with such requests was often time-consuming and extremely burdensome to the Petitioner.

118. It is found that Respondent Olson was frequently dissatisfied with the Petitioner's responses to his FOI requests, became angry, and followed up with more detailed and expansive FOI requests.

119. It is found that, rather than file an appeal with the Commission for what Respondent Olson believed to be a violation of the FOI Act, Respondent Olson instead utilized the FOI process to badger the Petitioner and its public officials, departments, and employees, with FOI requests and communications.

120. It is found that Respondent Olson's aim in making many of his FOI requests was not to obtain information, but to "pile on" by inundating the Petitioner with multiple, separate FOI requests, and numerous corresponding communications in relation to such requests.

121. It is found that Respondent Olson used the FOI request process to dialogue with the Petitioner in order to air his perceived grievances, and that in doing so, he made a mockery of the public's right to access under the FOI Act and treated such process as if it were a game.

122. It is found that the language and content of Respondent Olson's communications, in conjunction with his FOI requests to the Petitioner, and its public officials, departments, and employees, contained unfounded accusations of bias and racism, hyperbolic reactions and misrepresentations of various events. See e.g., paragraphs 22-24, 27, 32-33, 39-40, 68, and 70-71, above.

123. It is found that Respondent Olson's communications accompanying his FOI requests to the Petitioner, and its public officials, departments, and employees were almost universally disrespectful, demeaning, distressing, taunting, badgering, and harassing. See e.g., paragraphs 20-24, 26-29, 32-33, 35-37, 40, 42, 44, 46, 49, 53, 55, 59-60, 62, 66-68, and 70-71, above.

124. It is found that many of Respondent Olson's communications accompanying his FOI requests to the Petitioner, and its public officials, departments, and employees, were designed to intimidate or retaliate against public officials and employees who had engaged with him to attempt to satisfy his inquiries and FOI requests. It is found that Respondent Olson also repeatedly sent copies of those emails to other high-level officials in the City of Stamford. See e.g., paragraphs 20-24, 26-29, 32-33, 35-37, 40, 42, 44, 46, 49, 53, 55, 59-60, 62, 66-68, and 70-71, above.

125. It is found that Respondent Olson's conduct and behavior, as referenced above, was recurring and repetitive.

126. It is found that Respondent Olson's various filings with the Commission, including communications, motions, briefs, multiple requests to postpone, or to adjourn the hearings in this matter early, and at least five notices to the Commission that he was inclined *not* to participate, were deeply concerning and disrespectful of the FOI Commission process.

127. It is found that Respondent Olson's behavior throughout this proceeding, as outlined in paragraphs 72 through 114, was abusive to the Commission, its staff, and the designated hearing officer.

128. It is found that Respondent Olson used the Commission's adjudication of the Petition to express his dissatisfaction with the hearing officer and the Commission, through various motions, memoranda, and emails to the Commission, rather than to defend against the Petition. The Commission notes that Respondent Olson's abuse of the Commission for its adjudication of the Petition is similar to his abusive behavior toward to the Petitioner, and its public officials, departments, and employees, when he became dissatisfied with their efforts to comply with his many FOI requests.

129. It is further found that Respondent Olson's actions were intended to, and did in fact, delay the Commission's ability to timely adjudicate this matter. It is further found that Respondent Olson demonstrated contempt for the Commission and designated hearing officer, as indicated by his statements that he would not appear, his noncompliance with orders, and his abandonment of the proceedings on the fourth hearing date of October 13, 2022.

130. Thus, it is found that the record in this matter demonstrates a pattern of conduct by Respondent Olson, which was intended to avoid, disrupt, and/or delay the Commission's timely adjudication of the Petition, as well as to use the process as an arena to disparage and harangue the Petitioner, its attorneys, the Commission, its staff, and the designated hearing officer, particularly through the use of unfounded and explosive accusations.

131. The Commission notes the following events as particularly demonstrative of Respondent Olson's conduct:

- (a) His unrelenting objection to admission of the Petitioner's exhibits and repeated accusations of bias that resulted and were repeatedly lodged at the hearing officer throughout this proceeding;
- (b) His hyperbolic reaction to the hearing officer's comment about his professional background as an IT professional, as (described in paragraphs 74 through 78, 108 above);
- (c) His gross mischaracterization of the hearing officer's statement regarding his request for a restroom break at the hearing on August 9, 2022 hearing, and the repeated accusation of discrimination on the basis of disability that followed (as described in paragraphs 81 through 91, above);
- (d) His verbal attack on the Petitioner's counsel on October 10, 2022 for complying with the Commission's order, followed by his belated request for a subpoena and objection to the hearing officer's September 15, 2022 notice and order, all while declining to prepare a case in his defense;
- (e) His abandonment of the proceedings on October 13, 2022; and
- (f) His late-filed Post Hearing Brief Addendum, dated October 21, 2022, which improperly asserted facts not in evidence, including unsworn testimony, and an advancement of a bizarre and crass argument based upon male urination, further illustrating his contempt for this Commission.

## VII. RESPONDENT OLSON'S CONTENTIONS

132. The Commission notes that Respondent Olson's contentions throughout this proceeding are not adequately supported by evidence. In particular, Respondent Olson did not take the oath and offer sworn testimony, nor were his contentions subject to cross-examination by the Petitioner.

133. In his defense, Respondent Olson claimed that all of his requests to the Petitioner were reasonable in number, nature and scope. While the number of Respondent Olson's FOI requests might not be considered extreme in isolation, the totality of the requests, along with the scope of the requests, and language and content of Respondent Olson's communications, which contained unfounded accusations of bias and racism, hyperbolic reactions and misrepresentations of events, and were often demeaning and badgering, demonstrate that Respondent Olson's objective was to retaliate, disrupt and harass rather than to obtain public information.

134. Respondent Olson also pointed to the number of appeals he has filed with the Commission, and the fact that he prevailed in three of those appeals. The Commission notes that since August 2019, Respondent Olson has filed nine appeals with the Commission. Respondent

Olson withdrew three, and the Commission did not fully adjudicate one matter because it was time-barred. Of the remaining five appeals, Respondent Olson prevailed in three.<sup>13</sup>

135. Although Respondent Olson prevailed in the three appeals referenced above, the Commission notes that he demonstrated the same pattern of conduct as found herein. For example, in Docket #FIC 2019-0480; Matthew Olson v. Director of 911 Communications, Police Department, City of Stamford; Police Department, City of Stamford, and City of Stamford (Feb. 26, 2020), the Commission found that Respondent Olson spoke with the Director of 911 Communications on the phone, emailed him several times, and in the phone call and emails, expressed his anger toward the person who contacted the police in the July 24th Parked Car Incident. The Director testified at the hearing in that matter that Respondent Olson's remarks seemed threatening and retaliatory. In addition, as set forth in paragraphs 61 through 64 of the findings, above, in the months following the hearing in Docket #2020-0308; Matthew Olson v. City Attorney, City of Stamford; and City of Stamford (June 8, 2022), Respondent Olson accused the Petitioner's witness of being a thief, dishonest and unprofessional.

136. Although Respondent Olson prevailed in the three appeals referenced above, the behavior and conduct he displayed therein and related to the FOI Requests was highly inappropriate and not sanctioned by the Commission. Moreover, successes at the Commission are not determinative of whether a requester is vexatious within the meaning of §1-206(b)(5), G.S., since appeals to the Commission provide only a glimpse of the behavior that may be ongoing and recurring relative to other matters that have not come before the Commission.

137. Respondent Olson also contended that that his communications to the Petitioner constitute constitutionally protected speech and that, therefore, granting the Petition would violate his constitutionally protected rights. However, Respondent Olson's claims of constitutional violations are without merit. The FOI Act was not enacted to permit individuals to use an FOI request as a mechanism to abuse public officials and employees. Mozzochi v. Freedom of Information Commission, No. CV 93-0525360 S, 1995 WL 542107, at \*1 (Conn. Super. Ct. Sept. 5, 1995), aff'd, 44 Conn. App. 463 (1997), cert. denied, 241 Conn. 919 (1997); Godbout v. Freedom of Info. Comm'n, No. HHBCV155017046S, 2016 WL 4708550, at \*6 (Conn. Super. Ct. Aug. 9, 2016). Moreover, Respondent Olson has no liberty or property interests which have been violated because the right to harass and abuse is not constitutionally

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<sup>13</sup> The Commission docketed Respondent Olson's appeals as follows: Docket #FIC 2019-0480; Matthew Olson v. Director of 911 Communications, Police Department, City of Stamford; Police Department, City of Stamford; and City of Stamford (Feb. 26, 2020); Docket #FIC 2019-0531; Matthew Olson v. Office of Legal Affairs, City of Stamford; and City of Stamford (Feb. 26, 2020); Docket #FIC 2019-0581; Matthew Olson v. Office of Legal Affairs, City of Stamford; and City of Stamford (June 24, 2020); Docket #FIC 2019-0699; Matthew Olson v. Office of Legal Affairs, City of Stamford; and City of Stamford (Feb. 10, 2021); Docket #FIC 2020-0011; Matthew Olson v. Director of Technology, City of Stamford; and City of Stamford (Administratively Withdrawn on Feb. 14, 2020); Docket #FIC 2020-0308; Matthew Olson v. City Attorney, City of Stamford; and City of Stamford (June 8, 2022); Docket #FIC 2021-0363; Matthew Olson v. Director of Technology, City of Stamford; and City of Stamford (Withdrawn Oct. 29, 2021); Docket #FIC 2021-0436; Matthew Olson v. Director of Technology, City of Stamford; City of Stamford; Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection (Withdrawn Apr. 7, 2022); and Docket #FIC 2021-0437; Matthew Olson v. City Attorney, City of Stamford; and City of Stamford (Withdrawn Jan. 12, 2022).

protected. Mozzochi, \*5. Section 1-206(b)(5), G.S. was specifically enacted to address those who utilize the FOI Act process in a vexatious manner.

#### VIII. CONCLUSION

138. It is concluded, based upon the numerous findings throughout this decision, that Respondent Olson has a “vexatious history of requests” with the Petitioner, and that Respondent Olson has engaged in “a pattern of conduct” toward the Petitioner “that constitutes an abuse of the right to access information under the FOI Act” and an interference with the operation of the Petitioner, within the meaning of §1-206(b)(5)(E), G.S.

139. In light of the foregoing findings of fact set forth herein, it is concluded that the Petitioner has met its burden in this matter to establish that Respondent Olson is a vexatious requester.

140. Accordingly, the Petitioner’s Petition for Relief from Vexatious Requester is granted.

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

1. The Petitioner, inclusive of all departments, public officials and employees, need not comply with public records requests from Respondent Olson for a period of one year from the date of the Notice of Final Decision in this matter, inclusive of any pending on the date of the Notice of Final Decision in this matter.

2. Henceforth, and after the expiration of the order set forth in paragraph 1, above, Respondent Olson shall cease from engaging in similar vexatious conduct toward the Petitioner as that which is found throughout the findings and conclusions, above.

3. In the event of an application for an order to the Superior Court, the Commission’s order set forth in paragraph 1, above, shall be stayed until a final disposition by the court on such application. See David Godbout v. Freedom of Information Commission, Superior Court, J.D. of New Britain, Docket No. CV-20-5027250-S (Aug. 3, 2021) (dismissing the plaintiff’s application as moot where the Commission’s order relieving the Petitioner of its obligation to respond to the plaintiff’s requests for records had expired, since no stay was in place and the court could not afford the plaintiff any relief).

/s/ Christopher P. Hankins  
Christopher P. Hankins  
as Hearing Officer