

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Joshua Malaro,

Complainant

against

Docket #FIC 2020-0112

Chief Administrative Officer,
Office of the Mayor, City of
New London; and Office of the
Mayor, City of New London,

Respondents

February 24, 2021

The above-captioned matter was heard as a contested case on November 12, 2020, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted telephonically.¹

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

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter of complaint filed March 3, 2020, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to comply with his request for electronic copies of certain public records.
3. It is found that the complainant made a February 6, 2020 request to the respondents for the following:
 - a. "Form 1120;
 - b. "Form 1080;
 - c. "Annual Leave Balance as [of] July 1, 2019 through December 31, 2019;
 - d. "Any and all paperwork that initiates my retirement until my retirement date, to include:
 - e. "Notification of cancellation of my medical insurance;

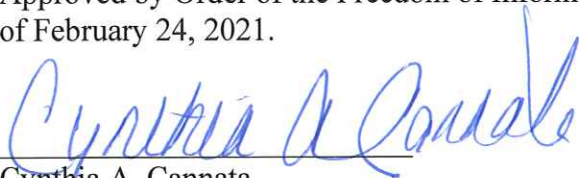
¹ On March 14, 2020, the Governor issued Executive Order 7B, which suspended the requirement to conduct public meetings in person.

- f. "Original signed paperwork that entails my retirement (I was not provided copies) on December 14, 2019;
 - g. "Any documents outlining why I was paid a lump sum on December 13th, when I should have been paid two weeks later on December 27, 2019 for the time period starting on Dec[ember] 8, 2019 through December 21, 2019;
 - h. "The 'No Trespass' letter generated from the Mayor's office stating I am no longer to conduct any business at 13 Masonic St., New London, CT and if I do so I will be arrested for Criminal Trespass in the First."
4. Section 1-200(5), G.S., defines "public records or files" as:

any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.
 5. Section 1-210(a), G.S., provides in relevant part that:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours . . . (3) receive a copy of such records in accordance with section 1-212.
 6. Section 1-212(a), G.S., provides in relevant part that "any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."
 7. It is concluded that the requested records are public records within the meaning of §§1-200(5), 1-210 and 1-212, G.S.
 8. It is found that the respondents conducted a diligent search for the requested records and provided all of them free of charge.
 9. It is therefore concluded that the respondents did not violate the FOI Act as alleged.
- The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:
1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 24, 2021.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

JOSHUA MALARO, 6 Overlook Drive, Waterford, CT 06385

CHIEF ADMINISTRATIVE OFFICER, OFFICE OF THE MAYOR, CITY OF NEW LONDON; AND OFFICE OF THE MAYOR, CITY OF NEW LONDON, c/o Attorney Brian K. Estep, Conway, Londregan, Sheehan & Monaco, P.C., 38 Huntington Street, New London, CT 06320



Cynthia A. Cannata
Acting Clerk of the Commission