

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Stephen Kumnick,

Complainant

against

Docket #FIC 2021-0420

President, Board of Directors, Chapman  
Beach Tax District; and Board of  
Directors, Chapman Beach Tax District,

Respondents

July 13, 2022

The above-captioned matter was heard as a contested case on January 11, 2022, at which time the complainant and the respondents appeared 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 through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session).

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

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, by letter dated July 6, 2021, the complainant requested a copy of certain records generated between May 1, 2021 through July 6, 2021, regarding the "Chapman Beach – Westbrook CT" Facebook page ("Facebook page"). Specifically, the complainant requested from the respondents a copy of the following with respect to the Facebook page:
  - (a) any records containing the name(s) of any person or entity who mentioned or discussed the Facebook page with the respondents;
  - (b) any communications by and among any person and the respondents; and
  - (c) a record of all persons "copied" on any correspondence by and among any person and the respondents.
3. It is found that, by email dated July 12, 2021, the respondents acknowledged the request described in paragraph 2, above.

4. It is found that, by letters dated July 16, 2021, the complainant also made follow-up requests to the individual members of the respondent board.

5. It is found that on July 21, 2021, the respondents provided the complainant with two packets of responsive records.

6. By letter of complaint, dated July 27, 2021 and filed July 29, 2021, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide all requested records, described in paragraph 2, above.

7. Section §1-200(5), G.S., provides:

“[p]ublic records or files” means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

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

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to ... (3) receive a copy of such records in accordance with section 1-212.

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

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

11. At the hearing in this matter, the complainant argued that he had not received all records responsive to his request, described in paragraph 2, above.

12. It is found that the membership of the respondent Board of Directors for the Chapman Beach Tax District (“board”) consists entirely of volunteers who communicate using their personal email accounts. It is also found that when members of the board discuss official board issues through the use of their personal email accounts, all members are included on all email correspondence.

13. It is found that the respondents searched the board's email correspondence and website portal for anything related to the keywords: "Face Book", "FB", and "Facebook". It is further found that all responsive records they located were sent to the complainant on July 21, 2021, free of charge.

14. On brief, the complainant contended that each member of the respondent board violated the FOI Act by not personally responding to him, and that the respondents did not conduct a thorough search for the requested records.

15. However, under the facts and circumstances of this case, it is found that the respondents conducted a reasonable, thorough search for the requested records.

16. It is therefore concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S.

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 July 13, 2022.



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:

**STEPHEN KUMNICK**, 25 Crystal Drive, Rocky Hill, CT 06067-1107

**PRESIDENT, BOARD OF DIRECTORS, CHAPMAN BEACH TAX DISTRICT; AND BOARD OF DIRECTORS, CHAPMAN BEACH TAX DISTRICT**, c/o Attorney Michael P. Carey, Suisman Shapiro Wool Brennan Gray & Greenberg, P.C, 2 Union Plaza, Suite 200, New London, CT 06320



Cynthia A. Cannata  
Acting Clerk of the Commission