

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

John Tsimbidaros,

Complainant

against

Docket #FIC 2021-0446

Director, Human Resources Department,
Town of Fairfield; Human Resources
Department, Town of Fairfield; and
Town of Fairfield,

Respondents

July 27, 2022

The above-captioned matter was heard as a contested case on April 20, 2022 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 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 email dated July 30, 2021, the complainant requested from the respondents copies of all records related to his request to the respondent Human Resources Department (hereinafter "HR") for bereavement leave without pay, all records referencing HR's denial of his leave without pay, all records referencing HR's offer of a leave with pay benefit for his attending related court dates, all records referencing HR's retraction of a leave with pay benefit for his attending court dates, and all records relating to his being placed on administrative leave.
3. By complaint filed with the Commission on August 9, 2021, the complainant appealed to the Commission and alleged that the respondents violated the Freedom of Information Act by failing to provide him with copies of the records described in paragraph 2, above.
4. 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 section 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

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

[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 ... receive a copy of such records in accordance with section 1-212.

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

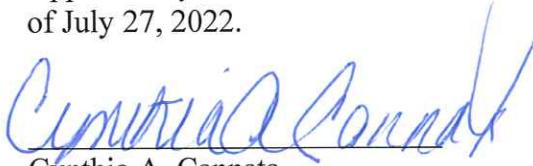
7. It is found that the respondents do not maintain any records responsive to the request described in paragraph 2, above.

8. It is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., in this matter.

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

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 27, 2022.



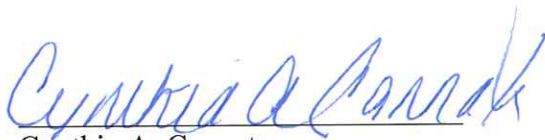
Cynthia A. Cannata
Acting Clerk of the Commission

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:

JOHN TSIMBIDAROS, PO Box 320482, Fairfield, CT. 06825

DIRECTOR, HUMAN RESOURCES DEPARTMENT, TOWN OF FAIRFIELD; AND HUMAN RESOURCES DEPARTMENT, TOWN OF FAIRFIELD, c/o Attorney James T. Baldwin, Coles Baldwin Kaiser & Creager, LLC, 1 Eliot Place, 3rd Floor, Fairfield, CT 06824



Cynthia A. Cannata
Acting Clerk of the Commission