

STATE OF CONNECTICUT  
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Pat Lionetti,

Complainant

against

Docket # FIC 2023-0064

Director, Department of Health and Social  
Services, City of Bridgeport; Department of  
Health and Social Services, City of  
Bridgeport; and City of Bridgeport,

Respondents

July 26, 2023

The above-captioned matter was scheduled to be heard as a contested case on June 1, 2023, at which time the respondents appeared and presented testimony and argument on the complaint. The complainant failed to appear.

The Commission notes that, on May 31, 2023, the complainant emailed the Commission and counsel for the respondents stating the following:

I am not available for hearing tomorrow. Was just notified  
of this hearing this morning.  
I currently have six hearings beginning 930 am tomorrow  
June 1st in Bridgeport Court

The Hearing Officer deemed such email a Motion to Postpone the contested case hearing, which he denied on May 31, 2023.

The Commission notes that the notice of the hearing was sent to all parties via certified mail on May 3, 2023, and via email on the same date. United States Postal Service ("USPS") records show that delivery to the complainant was attempted on May 6, 2023, and a reminder notice was issued on May 11, 2023. USPS records also indicate that the complainant failed to retrieve the notice. Additionally, Commission staff communicated with the complainant on May 31, 2023 and the complainant acknowledged that he had not opened the attachment to the May 3, 2023 email that contained the notice of hearing.

At the hearing, the respondents were prepared and wished to proceed. The hearing officer went forward with the hearing in order to allow the respondents an opportunity to provide evidence regarding their handling of the complainant's records requests in this matter.

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, on December 1, 2022, the complainant requested, via the respondents' electronic records request portal, that the respondents provide him with a copy of the following:
  - [(a)]... all communications and correspondence between Bridgeport Health [D]ept[.] and the Bridgeport Housing [A]uthority/Park [C]ity Communities regarding all properties owned or managed by Pat Lionetti[;]
  - [(b)]... dates and times of all meetings between Bridgeport Health [D]ept[.] and Bridgeport Housing Authority/ Park City Communities held to discuss properties owned or managed by Pat Lionetti[; and]
  - [(c)]... full names of all persons at meetings between Bridgeport Health Dept[.] and Bridgeport Housing Authority/Park [C]ity Communities to discuss properties owned or managed by Pat Lionetti.
3. It is found that the respondents acknowledged the request described in paragraph 2, above, via their automatic electronic portal, on the same day, and assigned the matter tracking number W007229-120122.
4. It is found that, on January 19, 2023, the respondents, via their automatic electronic portal, informed the complainant that no responsive records had been located in connection with the complaint's request described in paragraph 2, above.
5. By email filed February 17, 2023, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for certain public records.
6. 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.

7. 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 . . . (3) receive a copy of such records in accordance with section 1-212.

8. 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.”

9. It is found that the records described in paragraph 2, above, to the extent they exist or are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. At the hearing, John Piazza, Data Analyst, Department of Health and Social Services, City of Bridgeport, testified on behalf of the respondents. Mr. Piazza testified, and it is found, that he is responsible for reviewing and processing FOI Act requests submitted to the respondent Department of Health and Social Services, including the complainant’s request described in paragraph 2, above. Mr. Piazza also testified, and it is found, that the complainant is a landlord within the City of Bridgeport.

*Request Described in Paragraph 2(a)*

11. At the hearing, the respondents contended that the complainant’s request described in paragraph 2(a), above, provides insufficient information to conduct a search for responsive records, specifically with respect to “all properties owned or managed by Pat Lionetti,” and that such request would require the respondents to conduct research, which they are not obligated to do under the FOI Act.

12. It is well-established that public agencies are not required to conduct research under the FOI Act. Wildin v. FOIC, 56 Conn. App. 683 (2000). In Wildin v. FOIC 56 Conn. App. 683, 687 (2000), the Appellate Court concluded that a records request involves research if the public agency must exercise discretion to determine whether the records sought fall within the request. The Court concluded that a request does not require research when a requestor specifically identifies the records sought, and there is “no analysis required to search for the records.” Id. at 686.

13. With respect to the request described in paragraph 2(a), above, Mr. Piazza testified, and it is found, that he did not know all of the properties that the complainant owned or managed. He testified further, and it is found, that he conducted a search using the complainant’s first and last name but no responsive records were located.

14. It is found that the request described in paragraph 2(a), above, is inadequate and imprecise, in that the request fails to identify the specific properties owned or managed by the

complainant, about which he seeks records. It is further found that, in order to conduct a proper search for responsive records, the respondents would need to conduct research to determine all the properties owned or managed by the complainant, which might include reviewing land records filed in an entirely separate department of the City of Bridgeport.

15. Despite the foregoing, Mr. Piazza, testified, and it is found, that he conducted a second search prior to the hearing, which located approximately ten pages of records that, on the face of such records do not appear responsive to the request described in paragraph 2(a), above; however, he testified that, based upon his knowledge of the complainant, Mr. Piazza believed that the complainant might be seeking such records. The respondents indicated that they would forward such records to the complainant.

16. It is therefore concluded that the respondents did not violate the FOI Act with respect to the request described in paragraph 2(a), above.

*Requests Described in Paragraphs 2(b) and 2(c)*

17. With respect to the requests described in paragraphs 2(b) and 2(c), above, the respondents contended that such requests constitute questions that seek information, rather than public records or files, and that the FOI Act does not require the respondents to answer questions.

18. Public agencies are not required to answer questions under the FOI Act, and the Commission has no authority to compel the respondents to answer the complainant's questions. Albright-Lazzari v. Murphy, No. CV105014984S, 2011 WL 1886878, at \*3 (Super. Ct. Apr. 21, 2011 ). Additionally, nothing under the FOI Act requires public agencies to create records or lists. Id. See also Jolley v. Bragdon, No. CV075012256, 2008 WL 2039066, at \*4 (Super. Court Apr. 22, 2008); Wildin v. FOIC, 56 Conn. App. 683 (2000); and Docket #FIC 87-15; Vincenzo v. Board of Parole, et al. (March 25, 1987).

19. Despite the foregoing, Mr. Piazza testified, and it is found, that he was not aware of any meetings between the respondent Department of Health and Social Services and the Bridgeport Housing Authority/ Park City Communities regarding properties owned or managed by the complainant. Additionally, Mr. Piazza testified, and it is found, that, although not required by the FOI Act, he inquired with the Director of Public Health for the City of Bridgeport as well as with his immediate supervisor and they both indicated that they did not hold any such meetings.

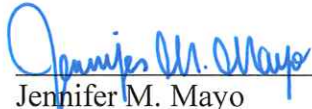
20. It is therefore concluded that the respondents did not violate the FOI Act by declining to answer the questions described in paragraphs 2(b) and 2(c), above.

21. Based upon all of the foregoing, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., in this case.

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.
2. The complainant is admonished for his failure to appear at the hearing in this matter.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 26, 2023.



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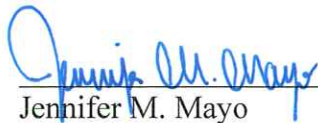
Jennifer M. Mayo  
Acting Clerk of the Commission

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

THE PARTIES TO THIS CONTESTED CASE ARE:

**PAT LIONETTI**, PO Box 3102, Stamford, CT 06905

**DIRECTOR, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, CITY OF BRIDGEPORT; DEPARTMENT OF HEALTH AND SOCIAL SERVICES, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT**, c/o Attorney Dina A. Scalò, Office of the City Attorney, 999 Broad Street, 2nd Floor, Bridgeport, CT 06604



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Jennifer M. Mayo  
Acting Clerk of the Commission