

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

David Moore,

Complainant

against

Docket #FIC 2022-0240

Mayor, City of Shelton;  
and City of Shelton,

Respondents

May 10, 2023

The above-captioned matter was heard as a contested case on April 18, 2023, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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 May 18, 2022, the complainant requested that the Mayor provide him with an opportunity to inspect the following records during normal business hours:

Any and all records related to any investigations involving Shelton Police Department employee, Ian Zak. The records . . . should include, but not be limited to, the identification of the incident case number assigned to the investigation, the agency and/or investigators assigned to conduct the investigation, all reports, memorandums, emails, text messages, interviews both recorded and transcribed, notes, photographs, video or audio recordings, documents indicating all findings and conclusions and any other records associated with the origins, investigation, findings, discipline imposed and grievances filed related to these incidents.

3. By letter of complaint, dated and received June 1, 2022, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide her 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 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:

[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 (1) inspect such records promptly during regular office or business hours. . . .

6. 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.”

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

8. It is found that, on or around April 11, 2022, and in response to a previous FOI request for the same records as set forth in paragraph 2, above, the respondents provided the complainant with a one-page incident report. It is found that the report concerns accidental damage done to Officer Zak’s motor vehicle by a third party.

9. At the contested case hearing, the complainant contended that the report referred to in paragraph 9, above, was not the report he was seeking and was not responsive to his request. The complainant further contended that there was an internal investigation report prepared by the Shelton Police Department concerning Officer Zak’s conduct.

10. Attorney Thomas Galvin Cotter appeared and testified on behalf of the respondents.

11. It found that Attorney Cotter received the request set forth in paragraph 2, above, and forwarded it to Lt. Robert Kozlowski of the Shelton Police Department.

12. It is found that Lt. Kozlowski is Attorney Cotter’s FOI contact within the Shelton Police Department. It is further found that Lt. Kozlowski regularly gathers records for Attorney Cotter in response to FOI requests.

13. It is found that Attorney Cotter instructed Lt. Kozlowski to gather all records responsive to the request and provide such records to him.

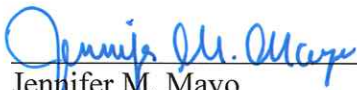
14. It is found that the incident report referred to in paragraph 9, above, is the only record that Attorney Cotter received from Lt. Kozlowski in response to the request. It is further found that the report is the only record in the respondents' possession that is even remotely responsive to the request set forth in paragraph 2, above.

15. Accordingly, it is concluded that the respondents did not violate the disclosure provisions §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

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 May 10, 2023.

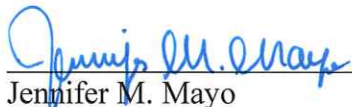
  
\_\_\_\_\_  
Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**DAVID MOORE**, 62 Tuckahoe Drive, Shelton, CT 06484

**MAYOR, CITY OF SHELTON; AND CITY OF SHELTON**, c/o Attorney Thomas G. Cotter, The Cotter Law Firm LLC, 80 Ferry Boulevard, Suite 216, Stratford, CT 06615 and Attorney Francis A. Teodosio, Esq., Teodosio Stanek, LLC, 375 Bridgeport Avenue, Shelton, CT 06484



---

Jennifer M. Mayo  
Acting Clerk of the Commission