

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Jeffrey Bloch,

Complainant

against

Docket # FIC 2021-0186

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

Respondents

December 17, 2025

The above-captioned matter was heard as a contested case on February 14, 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).

On July 14, 2025, the hearing officer ordered the parties to submit to the Commission additional evidence. The complainant was ordered to submit an affidavit averring whether he maintains his contention that copies of all responsive records have not been provided by the respondents. The respondents were ordered to submit an affidavit from a person averring whether copies of additional records responsive to the request were provided to the complainant subsequent to the February 14, 2022, hearing in this matter, and whether the respondents have withheld any records from the complainant. While the respondents complied with the July 14, 2025 Order of the hearing officer, the complainant did not.

Pursuant to the Order of the hearing officer, the following was admitted into evidence as an after-filed exhibit: Respondents' Exhibit 1 (after-filed): Affidavit of James T. Baldwin, dated August 6, 2025, and supporting documentation.

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 February 8, 2021, the complainant requested that the respondents provide him with copies of the following records for the period of December 5, 2019 through February 1, 2021:

Reports (whether draft, complete, or other), recordings, notes (handwritten or otherwise), correspondence of all types, made by, received by, sent by, related to, regarding, involving, any

member(s) of the Town of Fairfield Human Resources department, including but not limited to Emmet Hibson, as well as First Selectwoman Brenda Kupchick, in any way directly or indirectly regarding, concerning, referencing about, related to, at the request of, and other, Lt. Jeffrey Bloch of the Fairfield Police Department....

3. By complaint filed April 6, 2021, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request for copies of the records described in paragraph 2, above.¹

4. At the time of the request, §1-200(5), G.S., provided:

“[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, printed, photostated, photographed or recorded by any other method.²

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 . . . (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 “[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 concluded that the records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

¹ On March 25, 2020, the Governor issued Executive Order 7M, thereby suspending the provisions of Conn. Gen. Stat. §1-206(b)(1), which requires the Freedom of Information Commission to hear and decide an appeal within one year after the filing of such appeal. Executive Order 7M is applicable to any appeal pending with the Commission on the issuance date and to any appeal filed on or after such date, through June 30, 2021. Consequently, the Commission retains jurisdiction.

² Section 147 of Public Act 21-2 (June Special Session) amended the definition of “public records or files” to include data or information that is “videotaped.” Such amendment was effective on June 23, 2021.

8. At the hearing in this matter, the complainant contended that the respondents did not provide him with copies of all of the records responsive to the request described in paragraph 2, above. The respondents disputed this contention.

9. The respondents' witness testified, and it is found, that the respondents conducted multiple searches for records responsive to the complainant's records request, which included searches of email accounts and physical files, and that the respondents provided copies of all of the non-exempt records that were located to the complainant.

10. Notwithstanding the respondents' testimony that all non-exempt responsive records were provided to the complainant, it is found that, following the hearing in this matter, the parties communicated with each other regarding the records that the complainant contended were not provided to him. It is found that the respondents conducted additional searches for records responsive to the request, and provided the complainant with copies of all of the additional records that were located.

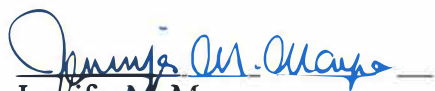
11. It is found that the complainant failed to comply with the hearing officer's order, and has not communicated with the Commission about the status of compliance with his request.

12. Based on the facts and circumstances of this case, it is concluded that the respondents did not deny the complainant's request for records described in paragraph 2, above. It is further concluded, therefore, that the respondents did not violate the disclosure provisions of §§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 hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of December 17, 2025.

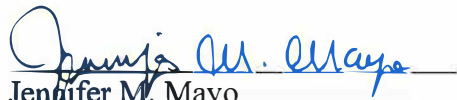

Jennifer M. Mayo
Acting Clerk of the Commission

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:

JEFFREY BLOCH, 195 Wood House Road, Fairfield, CT 06824

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


Jennifer M. Mayo
Acting Clerk of the Commission