

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Paul Manocchio,

Complainant

against

Docket #FIC 2025-0015

First Selectman, Board of
Selectmen, Town of Canterbury;
and Town of Canterbury,

Respondents

December 17, 2025

The above-captioned matter was heard as a contested case on May 15, 2025, and August 14, 2025, at which times the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.¹

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 December 9, 2024, the complainant requested that the respondent First Selectman provide him with the following records: “[A]ll staff schedules, [a]ttendance records, salaries...ALL TOWN STAFF” [Emphasis in original].
3. It is found that later the same day the complainant emailed the respondent First Selectman and requested that he “expedite a copy of the letter that you, [M]issy and Natalie wrote to REMAX...” (“REMAX letter”).
4. It is found that by email dated December 17, 2024, the respondent First Selectman informed the complainant that he found the request, described in paragraph 2, above, along with a separate request not at issue, in his “spam box.” The respondent First Selectman also informed the complainant that such request was “too broad” because it did not provide a time period, and that without narrowing the request the respondents could not provide a “turn-around time.” He

¹ The Commission notes that in his complaint filed with the Commission on January 8, 2025, the complainant does not allege that the Board of Selectmen for the Town of Canterbury violated the Freedom of Information Act. In addition, there is no evidence in the administrative record that the requests at issue were directed to the Board of Selectmen. Accordingly, the Board of Selectmen for the Town of Canterbury has been removed as a party in the instant matter and the case caption amended accordingly.

further informed the complainant that “we are not required to do research” and “some of the records you seek may be exempt personnel records.”

5. It is found that by email dated December 17, 2024, the complainant narrowed his request, described in paragraph 2, above, to “[s]alary and attendance for all. For the past 3 yrs.”

6. It is found that later the same morning the complainant emailed the respondent First Selectman, stating that he had neglected to respond to the request for the REMAX letter, described in paragraph 3, above.

7. By letter of complaint received and filed on January 8, 2025, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with the requests, described in paragraphs 2 and 3, above.²

8. 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.

9. 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 (1) inspect such records promptly during regular office or business hours, . . . or (3) receive a copy of such records in accordance with section 1-212.

10. 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.”

11. It is concluded that the records described in paragraphs 2 and 3, above, to the extent that they exist and are maintained by the respondents, are public records within the meaning of

² The complainant also requested “injunctive relief” and that the respondents be held to “the highest sanctions” and liable for “damages.”

§§1-200(5) and 1-210(a), G.S.

12. At the hearings on this matter, the complainant maintained that the respondents failed to provide him with any records responsive to his requests described in paragraphs 2 and 3, above, in violation of the FOI Act.

Scope of Complaint

13. At the August 14, 2025 hearing on this matter, the respondents' counsel contended that the complaint "seems to be limited" to the claim that the complainant did not get a response from the respondents within four days of the requests, and not that the respondents failed to provide him responsive records.

14. However, reading the complaint as a whole, it is found that the complainant sufficiently alleged that the respondents violated the FOI Act by failing to provide him with records responsive to his requests. See, Perkins v. Freedom of Information Comm'n, 228 Conn. 158, 166-68 (1993) (noting that, "[a]s a practical matter, the FOIA is used repeatedly by members of the public who are unschooled in technical, legalistic language distinctions," and that, in light of the public policy expressed by the FOIA, the act should be construed so as to avoid overly formal and legalistic requirements). Accordingly, it is found that the scope of the complaint was not limited to whether the respondents had failed to provide a response to the requests within four days.

Provision of Records

15. Also, at the August 14, 2025 hearing on this matter, the respondent First Selectman admitted that the respondents had not provided the complainant with any records responsive to the requests described in paragraphs 2 and 3, above. He further testified that the respondents had not provided the complainant with records prior to the filing of the complaint because they did not have enough time to decipher the requests and compile responsive records; once the complaint was filed, the respondents decided not to go further and compile records, stating that "any forward motion on that activity was sustained – curtailed..."; and that their Petition for Relief from a Vexatious Requester filed against the complainant with the Commission was pending at the time of the requests.³

16. With respect to the request described in paragraph 2, above, the respondent First Selectman also testified that he believed that such request had been narrowed to only salary and attendance records. It is found, however, that the complainant narrowed such request only with respect to the time period (i.e., three years) for which he sought the requested records, and not the type of records sought.

³ The respondents' Petition for Relief from a Vexatious Requester was received and filed with the Commission on December 2, 2024, and denied by the Commission at its regular meeting of August 13, 2025. See In the Matter of a Petition for Relief from Vexatious Requester, Town of Canterbury v. Paul Manocchio (PRVR #19).

17. With respect to the requested salary records, the respondent First Selectman also testified generally that salary information can be found in the annual Town budget document as well as in the individual contracts for certain Town employees. It is unclear from the administrative record, however, whether the respondents even began an initial search for responsive records.

18. With respect to the requested attendance records, the respondent First Selectman also testified generally that “until about a year ago” the respondents had hourly employees fill out “time cards”, but that such records are not considered “attendance records”; and that without further clarification from the complainant, he did not know whether time cards would be responsive to the request. It is found that the First Selectman did not ask for, nor did the complainant provide, any clarification prior to the second hearing regarding such records.

19. With respect to the REMAX letter, the respondent First Selectman testified, and it is found, that the respondents had previously provided the complainant with a copy of such letter.⁴ It is found, however, that the provision of the REMAX letter in response to a previous request did not excuse the respondents from complying with the request for the same record in the instant matter. See, e.g. Mayor v. Freedom of Info. Comm’n, Docket No. CV-01-0511803-S, 2002 WL 523086, at *4 (Conn. Super. Ct. Mar. 19, 2002) (“There is nothing in the Connecticut FOIA that bars repeating a request to a public agency. Indeed, a complainant may seek to start an appeal period over again by asking for a record again, or a complainant may have lost the document after the first request. The FOIA simply provides that ‘[a]ny person applying in writing shall receive, promptly upon request, a plain or certified copy of any records....’ Unless, exempt, all records are public records, and ‘every person shall have the right to receive a copy of such records in accordance with the provisions of Section 1-212....[T]he general rule under the [FOIA] is disclosure....”).

20. Based on the foregoing, it is found that the respondents failed to conduct a diligent and thorough search for, and to provide the complainant with copies of any records responsive to his records requests.

21. Accordingly, it is concluded that the respondents violated §§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. Within seven (7) days of the Notice of the Final Decision in this matter, the respondents shall provide the complainant with a copy of the REMAX letter, described in paragraph 3 of the findings, above, free of charge.

2. Within fourteen (14) days of the Notice of the Final Decision in this matter, the respondents shall undertake a search for records responsive to the complainant’s request described in paragraph 2 of the findings, above. Within forty-five (45) days of the Notice of

⁴ The Commission notes that a copy of a photograph of the REMAX letter was marked as complainant’s Exhibit D. A copy of the REMAX letter was also included in Respondents’ Exhibit 3.

Final Decision, the respondents shall provide the complainant with a copy of such records, if any are located, free of charge. Within forty-five (45) days of the Notice of the Final Decision in this matter, the respondents shall also provide an affidavit to the complainant and the Commission, prepared by a person with knowledge of the efforts taken, and detailing the scope, nature and results of their search.

3. In complying with paragraph 2 of the order, above, the respondents may withhold or redact such records, or portions thereof, that are the subject of a mandatory exemption, including the attorney-client privilege, set forth in §52-146r, G.S., as incorporated in §1-210(b)(10), G.S.

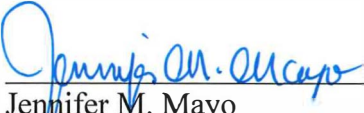
4. If any records, or portions thereof, are withheld pursuant to paragraph 3 of the order, above, the respondents shall submit an affidavit sworn to or attested by a person with the requisite knowledge that identifies and briefly describes the withheld record(s) and the statutory basis for withholding such information. Such affidavit shall be submitted within forty-five (45) days of the Notice of Final Decision in this matter.

5. Forthwith, the respondents, or their designee, shall contact the Commission to schedule a FOI Act training session, to be conducted by FOI Commission Staff.

6. If the respondents fail to comply with any order set forth in paragraphs 1 through 5, above, the complainant may file an appeal with the Commission, and such appeal may be afforded expedited treatment. The respondents are cautioned that if, after a hearing, the commission concludes that they have violated any order herein, the Commission will consider the imposition of a civil penalty for such violation(s).

7. Henceforth, the respondents shall strictly comply with §§1-210(a) and 1-212(a), G.S.

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

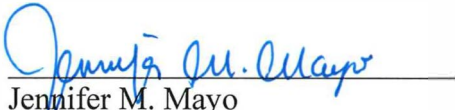

Jennifer M. Mayo
Acting Clerk of the Commission

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:

PAUL MANOCCHIO, 4 Greenway Drive, Brooklyn, CT 06234

FIRST SELECTMAN, BOARD OF SELECTMEN, TOWN OF CANTERBURY; AND TOWN OF CANTERBURY, c/o Attorney Marjorie Richardson and Attorney Michael Carey, Suisman Shapiro, Attorneys at Law, 2 Union Plaza, Suite 200, P.O. Box 1591, New London, CT 06320


Jennifer M. Mayo
Acting Clerk of the Commission