

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Todd Helems,

Complainant

against

Docket #FIC 2024-0213

Chairman, Enfield Board of Assessment
Appeals, Town of Enfield; Enfield Board
of Assessment Appeals, Town of Enfield;
and Town of Enfield,

Respondents

February 26, 2025

The above-captioned matter was heard as a contested case on October 7, 2024, at which time the complainant and the respondents appeared, stipulated to certain facts, 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 the complainant, who is employed in the Office of the Assessor within the respondent Town, became concerned when files which were returned to such office by the respondent Board seemed to be missing certain paperwork. It is further found that, by email dated April 1, 2024, the complainant sent the respondents the following request:

Thank you for dropping off the documentation this morning. We took a quick look through them and noticed that not all of the documentation was included. Can you please drop off, at your earliest convenience, the remaining paperwork, so we can finish our duties.

3. It is found that, by email dated April 1, 2024, the respondent Board's Chairperson responded to the complainant as follows: "Please be more specific since I really have no idea what [you are] talking about?"

4. It is found that, by email dated April 1, 2024, the complainant replied as follows:

We see very little, or no backup documentation that would have been provided by the appellant. One would assume

that in order for the BAA¹ to make a decision, the appellant would need to provide some type of documents and proof, to back up their value. Also, most of the memos provided by this office were not included.

5. It is found that, by email dated April 1, 2024, the respondents replied, in part, as follows:

All original appeals numbers 1-244 (there was no #144) and pertinent information such as exhibits, documents, photos were attached to the appeal and labeled as an exhibit and delivered back to your office. The BAA has fulfilled its statutory duties and has given you what your office needs to mail to the applicant.

6. By email dated and filed April 17, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with all of the records he requested. Specifically, the complainant alleged the following:

The BAA met in March of 2024, and completed their (sic) duties on 4/1/2024. Co-chair Lori Longhi dropped off the documents on 4/1/2024 to the assessor’s office. Upon review, it was determined that several pages of the appeals were not returned. Specifically, the assessor’s office provided the BAA with a memo for each appeal, of which few were included in the returned documents. These documents are the permanent file and should include all documentation provided to the BAA. There were other missing documents as well. It was discovered that the BAA compiled note[s] for the appeals. None of these notes were included in the returned documents.

7. 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.

¹ The Commission notes that “BAA” is an acronym for the Board of Assessment Appeals.

8. 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.

9. 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.”

10. It is concluded that the requested records, to the extent that they exist, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

11. Section 1-200(4), G.S., provides: “‘Person’ means natural person, partnership, corporation, limited liability company, association or society.”

12. It is found that, at the time the complainant made the request for records set forth in paragraph 2, above, he did so in his official capacity as the Supervisor of Assessment and Revenue Collection within the Office of the Assessor. It is further found that when the complainant filed his appeal with the Commission he did so as a private citizen and he was not acting on behalf of the Assessor’s office.

13. It is concluded that, both when the complainant made his request and filed his appeal, the complainant was a “natural person” within the meaning of §1-200(4), G.S., and, as such, the complainant was permitted to make a request for copies of public records and had standing to file an appeal with the Commission challenging the respondents’ compliance with the FOI Act.

14. At the hearing, the complainant contended that, when the respondents took certain assessment appeal files from the Assessor’s office, each of the files contained a memorandum which the complainant had created, but that, when the respondents returned the files to the Assessor’s office, the memoranda were missing from the files. The complainant further contended that, when the respondents returned the files to the Assessor’s office, certain notes that the individual members of the Board of Assessment Appeals created when they presided over the assessment appeals were missing from the files. Finally, the complainant contended that, when the respondents returned the files to the Office of the Assessor, certain records submitted by the appellants during the assessment appeals process were missing from the files.

15. The respondents contended that, upon receipt of the request set forth in paragraph 2, above, they did not understand what records the complainant was seeking.

16. It is found that, once the respondents got clarification and understood the complainant’s request, they realized that some of the requested records, such as the minutes from the board of assessment appeal hearings, along with the individual members’ notes, had been returned by the Board of Assessment Appeals to the clerk’s office.

17. It is found that the respondents determined that any memoranda that the complainant created should not be part of, or included in the assessment appeal files because they were not sworn to, were undated, and had not been introduced as evidence by a taxpayer/appellant. It is further found that some of the appellants kept the memorandum pertaining to their appeal, while others did not. It is further found that any remaining memoranda that had not been kept by the appellants were returned to the Office of the Assessor. It is further found that a copy of each memorandum was, at all times, maintained at the Assessor's office.

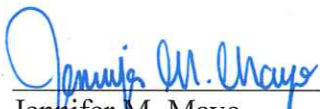
18. Finally, it is found that once the complainant clarified which records he was requesting, the respondents gathered all responsive records they maintained, copied them and provided them to the complainant, free of charge.

19. It is concluded therefore that the respondents did not violate the disclosure provisions set forth in §§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 hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 26, 2025.



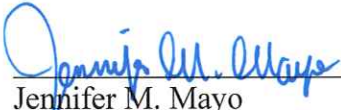
Jennifer M. Mayo
Acting Clerk of the Commission

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:

TODD HELEMS, 800 Enfield Street, Enfield, CT 06082

CHAIRMAN, ENFIELD BOARD OF ASSESSMENT APPEALS, TOWN OF ENFIELD; ENFIELD BOARD OF ASSESSMENT APPEALS, TOWN OF ENFIELD, c/o Attorney Mark J. Cerrato, Office of the Town Attorney, 820 Enfield Street, Enfield, CT 06082; **AND TOWN OF ENFIELD**, c/o Attorney Jarad M. Lucan, Shipman & Goodwin, LLP, One Constitution Plaza, Hartford, CT 06103



Jennifer M. Mayo
Acting Clerk of the Commission