

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Petition for Relief
From Vexatious Requester by

FINAL DECISION

Police Department, Town of East Lyme;
Board of Education, East Lyme Public
Schools; and Town of East Lyme,

Petitioners

against

PRVR #18

David Godbout,

Respondent

July 23, 2025

The above-captioned matter was heard as a contested case on May 19, 2025, and June 3, 2025, at which times the Petitioners and the Respondent appeared and presented exhibits and argument on the Petition for Relief from Vexatious Requester (the "Petition"). The Petitioners also presented testimony during both hearings. The Respondent chose not to take the oath and did not testify during these proceedings.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The Petitioners are public agencies within the meaning of §1-200(1), G.S.

I. THE PETITION AND THE PROCEDURE FOLLOWING ITS FILING

2. On July 30, 2024, the Petitioners filed with the Freedom of Information ("FOI") Commission a Petition for Relief from Vexatious Requester, dated July 26, 2024, pursuant to §1-206(b)(6), G.S.

3. Section 1-206(b)(6), G.S., provides, in relevant part:

Notwithstanding any provision of this subsection, a public agency may petition the commission for relief from a requester that the public agency alleges is a vexatious requester. Such petition shall be sworn under penalty of false statement, as provided in section 53a-157b, and shall detail the conduct which the agency alleges demonstrates a vexatious history of requests, including, but not limited to: (A) The number of requests filed and the total number of pending requests; (B) the scope of the requests; (C) the nature, content, language or subject matter of the requests; (D) the nature,

content, language or subject matter of the requests; (D) the nature, content, language or subject matter of other oral and written communications to the agency from the requester; and (E) a pattern of conduct that amounts to an abuse of the right to access information under the Freedom of Information Act or an interference with the operation of the agency. Upon receipt of such petition, the executive director of the commission shall review the petition and determine whether it warrants a hearing... If the executive director determines that a hearing is warranted, the commission shall serve upon all parties, by certified or registered mail, a copy of such petition together with any other notice or order of the commission. The commission shall, after due notice to the parties, hear and either grant or deny the petition within one year after its filing. Upon a grant of such petition, the commission may provide appropriate relief commensurate with the vexatious conduct, including, but not limited to, an order that the agency need not comply with future requests from the vexatious requester for a specified period of time, but not to exceed one year. . . .

4. In their Petition, the Petitioners alleged that the Respondent is a vexatious requester, and detailed examples of FOI requests and conduct that they believe demonstrate that the Respondent has a vexatious history. In addition, the Petitioners claimed that the Respondent has engaged in “continuing conduct related to his FOIA requests constitut[ing] an abuse of the right to access information, and/or interference with the operation of the Town, as provided for in §1-206(b)(6).”

5. On August 23, 2024, the Commission provided the parties a “Notice of Receipt of Petition for Relief from Vexatious Requester,” wherein it attached a copy of the Petition and informed the parties that: (i) the attachments to the Petition (123 pages) would be transmitted to them via email; and (ii) the Notice, Petition, and attachments to the Petition would be available at the Commission’s principal office in Hartford, CT.

6. After conducting the required review pursuant to §1-206(b)(6), G.S., the Executive Director issued a Notice of Hearing and Order to Show Cause on the Petition on April 4, 2025, setting the hearing for May 2, 2025.

II. DEFINITION OF THE TERM “VEXATIOUS” IN §1-206(b)(6), G.S.; AND THE PHRASE “PATTERN OF CONDUCT” THAT AMOUNTS TO AN “ABUSE OF THE RIGHT TO ACCESS INFORMATION UNDER THE FOI ACT” OR AN “INTERFERENCE WITH THE OPERATION OF THE AGENCY” IN §1-206(b)(6)(E), G.S.

7. In Petition for Relief from Vexatious Requester #1; Town of East Lyme and East Lyme Board of Education v. David Godbout (Feb. 26, 2020) (“PRVR #1”), the Commission analyzed the meaning of, and ultimately defined, several terms set forth in §1-206(b)(6), G.S., as follows:

- a. Vexatious: “causing vexation: distressing; intended to harass.”
- b. “Pattern of Conduct” requires a showing of recurring incidents or repetitive behavior on the part of the requester.
- c. “Abuse of the right to access information under the FOI Act” requires the Commission to assess the cumulative nature of the requester’s requests and conduct, and their effect on the petitioning agency.
- d. “Interference with the operation of the agency” requires the Commission to assess whether the requests and conduct exhibited by the requester significantly obstructs or hinders the petitioning agency’s ability to carry out its responsibilities and functions.

8. In Matthew Olson v. Freedom of Info. Comm’n, Superior Court, judicial district of New Britain, Docket No. CV22-6076363-S (August 30, 2024), the court concluded that the Commission appropriately defined and applied the words and phrases identified in paragraph 7, above, in determining that a Respondent is a vexatious requester within the meaning of §1-206(b)(6), G.S.

9. The Commission takes administrative notice of the administrative record and final decision in PRVR #1, and notes that the: (i) Respondent in PRVR #1 is the Respondent in this matter; (ii) two Petitioners in PRVR #1, the Town of East Lyme, and the East Lyme Board of Education are also Petitioners in this matter; and (iii) the Respondent was found to be a vexatious requester in PRVR #1.

III. THE RESPONDENT’S MOTIONS AND BRIEFS

10. On April 21, 2025, the Respondent filed with the Commission a Counterclaim/Notice for Civil Penalties, wherein he sought:

civil penalties to be assessed against the petition agencies [and] also against the persons, in their official and personal capacities of the following: Mr. Micheal Macek, Mr. Jeffery Newton, Mark Zamarka, Wendi Sims, Mary Smith, Patrick Hughes, and Daniel Cunningham in their personal capacities and the agencies. . . .

In his “counterclaim,” the Respondent accuses Micheal Macek, the Acting Chief of Police for the East Lyme Police Department (“ELPD”), of “falsely claim[ing] to be the Chief of Police for the Town of East Lyme . . .” and purportedly criminally impersonating the chief of police, under §53a-130, G.S. The Respondent’s “counterclaim” contains a host of other allegations against the individuals named therein which include, but are not limited to, perjury, larceny, ethics violations, engaging in “a conspiracy to deprive the respondent of his constitutional rights,” and various purported violations of the FOI Act. The Respondent, in his “counterclaim,” sought tens of thousands of dollars’ worth of civil penalties against the individuals and agencies named therein. The Commission’s rules of practice do not permit the filings of counterclaims, and accordingly the Respondent’s counterclaim is not properly before the Commission in this matter.

11. On April 22, 2025, the Respondent filed a Motion for Extension/Rescheduling Hearing Date in response to the Petitioners' April 11, 2025 request to postpone the hearing in this matter, which was originally scheduled for May 2, 2025. The Commission partially granted the Petitioners' request by postponing the hearing for approximately two weeks, on April 21, 2025. In his April 22 motion, the Respondent accused the Commission of thinking "its more important than the [A]ppellate [C]ourt" because the new date for the hearing would conflict with the Respondent's briefing schedule in his various Appellate Court cases. Moreover, the Respondent sought that the hearing be further delayed to June 30, 2025, over a month after the original hearing date. By Notice dated April 30, 2025, the Hearing Officer denied the Respondent's April 22 motion.

12. On May 19, 2025, just prior to the commencement of the first hearing in this matter, the Respondent filed two motions with the Commission in this matter, a: (i) Motion to Dismiss; and (ii) Motion to Disqualify Commissioner Einhorn.

13. The Respondent, in his May 19 Motion to Dismiss¹, asserts a litany of arguments for dismissal, some of which include: (i) that Public Act 18-95 (which amended the FOI Act to allow for Petitions for Relief from Vexatious Requesters) (hereinafter, §1-206(b)(6), G.S.) was "an ultra vires act leading to the fact that it was void ab initio;" (ii) §1-206(b)(6), G.S., is "vague to the point of being facially unconstitutional;" and (iii) the Petition seeks to "punish the respondent for exercising his free speech rights. . . ." Accompanying his Motion to Dismiss, the Respondent submitted a Memorandum of Law Supporting Motion to Dismiss, consisting of 52 pages of argument and 706 pages of exhibits.

14. The Respondent's May 19 Motion to Disqualify Commissioner Einhorn² consists of 226 pages (220 pages of which are exhibits). In his Motion to Disqualify Commissioner Einhorn, the Respondent contends that "Einhorn is prejudice [sic] against citizens exercising rights to obtain public records and ignores court orders and law[.]"

15. After the May 19, 2025 hearing, but before the June 3, 2025 continued hearing in this matter, the Respondent filed five (5) additional motions, specifically:

¹ The arguments contained in the Respondent's Motion to Dismiss lack any basis in the law and/or have been previously rejected by the Courts and this Commission: See, e.g., Godbout v. Freedom of Info. Comm'n, Superior Court Judicial District of New Britain, Docket No. CV-22-5032223-S, 2024 WL 686904, *4-6 (February 16, 2024) (rejecting many of Respondent's arguments in the context of the Commission's authority to not schedule a hearing in a matter pursuant to §§1-206(b)(2) and (3), G.S.); see also, Matthew Olson v. Freedom of Info. Comm'n, Superior Court Judicial District of New Britain, Docket No. CV-22-06076363-S (August 30, 2024) (rejecting plaintiff's argument that the PRVR statute was void for vagueness). Accordingly, the Respondent's May 19, 2025 Motion to Dismiss is denied.

² The allegations contained in the Respondent's Motion to Disqualify Commissioner Einhorn consist solely of speculation and conjecture, thus falling well short of the recognized standard for alleging bias on the part of an administrative hearing officer. See Clishman v. Board of Police Comm'rs of Borough of Naugatuck, 223 Conn. 354, 361-364. ("To overcome the presumption [that an administrative adjudicator is not biased], the plaintiff . . . must demonstrate actual bias, rather than mere potential bias In order to provide bias as a ground for disqualification, the plaintiff must show more than an adjudicator's 'announced previous position about law or policy. . . .[h]e must make a showing that the adjudicator has prejudged adjudicative facts that are in dispute.") (citations omitted). Accordingly, the Respondent's May 19, 2025 Motion to Disqualify Commissioner Einhorn is denied.

- a. Respondent filed with the Commission a Motion for Order for Production of Petitioners' Witnesses for 3 JUN 25 Hearing & Subpoena Request to be Issued, dated May 21, 2025. This motion consisted of four pages of argument and over 175 pages of exhibits, a significant number of which are not exhibits in the administrative record for this matter. By Notice dated May 27, 2025, the Hearing Officer denied the Respondent's motion described herein.
- b. Respondent filed with the Commission a Motion for Hearing on Respondent's Motion to Dismiss and Accompanying Memorandum of Law Filed 19 MAY 25³, dated May 23, 2025. By Notice dated July 8, 2025, the Hearing Officer denied the Respondent's motion described herein.
- c. Respondent filed with the Commission a Motion for Articulation, dated May 27, 2025, concerning the Hearing Officer's denial of his prior motion described in paragraph 12.a., above. By Notice dated May 28, 2025, the Hearing Officer denied the Respondent's Motion for Articulation.
- d. Respondent filed with the Commission a Second Motion to Disqualify Einhorn and Nick Smarra, dated May 27, 2025, wherein he falsely accuses the Hearing Officer and Commission Counsel of threatening him with violence, among other baseless claims.⁴ By Notice dated May 28, 2025, the Hearing Officer denied the Respondent's Second Motion to Disqualify Einhorn and Nick Smarra.⁵
- e. Respondent filed with the Commission a Motion Under CGS Sec. 4-178a, dated May 29, 2025, wherein he requested "the full commission to hold a hearing to investigate preliminary, procedural, and evidentiary rulings made by the hearing officer" By Notice dated June 3, 2025, the Hearing Officer denied the Respondent's Motion Under CGS Sec. 4-178a.

16. After the close of evidence on June 3, 2025, the Respondent submitted numerous additional filings, specifically:

- a. Respondent filed with the Commission a Motion to Strike Denial of Respondent's Motion Under CGS Sec. 4-178a (Filed 29 May 25) Issued by Commissioner

³ Pursuant to §1-21j-8 of the Regulations of Connecticut State Agencies, the Hearing Officer is authorized to "rule on the order in which the hearing is conducted and on all other aspects of the hearing on behalf of the commission." Accordingly, the Respondent's May 19, 2025 Motion for Hearing of Respondent's Motion to Dismiss is denied.

⁴ The Commission notes that the Respondent's May 27 motion stems from an interaction between the Respondent, the Hearing Officer, and Commission Counsel, after the Hearing Officer briefly recessed the May 19 hearing. When the Hearing Officer and Commission Counsel left the hearing room to review the Respondent's motions described in paragraphs 12 and 13, above, the Respondent proceeded to follow them out of the hearing room and accused them of violating the FOI Act by holding a secret meeting. The Respondent continued to follow the Hearing Officer and Commission Counsel a significant way down the hall. The Hearing Officer requested several times for the Respondent to stop following them; however, the Respondent did not relent until the Hearing Officer informed the Respondent that he would call the police if the Respondent continued to follow them.

⁵ As with the Respondent's May 19, 2025 Motion to Disqualify Commissioner Einhorn, the Respondent's May 27, 2025, Second Motion to Disqualify Einhorn and Nick Smarra falls well short of the recognized standard for establishing bias.

Einhorn on 3 JUN 25 & Motion for Full Commission to Decide This Motion and Have a Full Hearing to Decide the Original 4-178a Motion filed 29 MAY 25, dated June 4, 2025. By Notice dated June 6, 2025, the Hearing Officer denied the Respondent's motion described herein.

- b. Respondent on June 11, 2025, filed with the Commission a twenty-six (26) page Motion Under CGS Sec. 4-178a Including (But Not Exclusive to) Rulings Made During 3 JUN 25 Hearing, which contained an additional twenty-eight (28) pages of attachments, a significant number of which have nothing to do with the matter currently before the Commission. In his motion, the Respondent included that: “[c]itizens who have gone through the FIC process overwhelmingly hate the commission and this is, in part, due to the lack of the hearing officers and full commission not allowing relevant evidence to be admitted in their cases.”⁶ By Notice dated July 8, 2025, the Hearing Officer denied the Respondent's motion described herein.
- c. Respondent filed with the Commission a Motion to Modify Scheduling Order for Post-Hearing Briefs, dated June 13, 2025. This motion was submitted in response to the Hearing Officer's June 6, 2025, Order to Submit Briefs, wherein he sought to delay the briefing schedule because the full Commission had not heard his motion made pursuant to §4-178a, G.S. By Notice dated June 16, 2025, the Hearing Officer denied the Respondent's Motion to Modify Scheduling Order for Post-Hearing Briefs.
- d. Respondent, on June 18, 2025, filed an objection in response to the Petitioners' submission of after-filed exhibits pursuant to the Hearing Officer's June 6 Order to Submit Additional Evidence. In making such objection, the Respondent accused the Commission of engaging in ex-parte communications and conspiring with the Petitioners regarding the submission of the after-filed exhibits. The Commission notes that the only correspondence between the Commission and the parties regarding the submission of after-filed exhibits occurred: (i) on the record during the June 3 continued hearing, with both parties present; and (ii) via the Hearing Officer's June 6 written Order to Submit Additional Evidence, a copy of which was provided to both parties.⁷
- e. Respondent filed with the Commission a Motion to Accept New Respondent Exhibit, dated June 18, 2025. In this motion, the Respondent accused an unidentified member of the Commission's staff of “spoofing” their phone number

⁶It is found that, contrary to the Respondent's contention, the Hearing Officer accepted nearly all of the Respondent's proposed exhibits as evidence, despite their tenuous relevancy to the issues before the Commission in this matter.

⁷ The Petitioners' Exhibits' II and JJ (after-filed) substantially complied with the Hearing Officer's June 6 Order for Additional Evidence. The exhibit label on page 29 of Petitioners' Exhibit JJ is the exhibit label used by the Petitioners' in the exhibits attached to their original Petition. As the respondent does not: (i) challenge the authenticity of the document, nor (ii) does he deny that such document is a records request he sent to the Petitioners, his objection is overruled.

Motion to Accept New Respondent Exhibit.⁸ By Notice dated July 8, 2025, the Hearing Officer denied the Respondent's Motion to Accept New Respondent Exhibit.

- f. Respondent filed with the Commission three (3) additional motions on June 19, 2025, which consisted of a Motion to Strike/Reject (Filings of Petitioners of 17 JUN 25), a Motion to Reconvene, and a Motion to Compel Witnesses Be Available for Questioning. Among other requests, the Respondent sought that the hearing be reopened, and the following witnesses be commanded or subpoenaed to provide testimony:

- Diane Vitagliano, Town Assessor.
- Kevin Sery, prior First Selectman.
- Carmen Ames, IT Manager.
- Kathleen Miller, ELPD employee.
- Dana Jezierski, ELPD employee.
- Michael Finkelstein, former ELPD employee.
- Karen Galbo, Town Clerk.
- Daniel Price, ELPD Commissioner.
- Ann Cicchiello, East Lyme Selectman.
- Sandra Anderson, town employee.

By Notice dated July 8, 2025, the Hearing Officer denied the motions described herein.⁹

- g. Respondent filed with the Commission a Motion For Change In Scheduling Order of Commission Issued 6 JUN 25 (Notice of Order For Additional Evidence), dated June 20, 2025. In this motion, the Respondent, in part, alleges that the Petitioners, in their post-hearing brief, cited to evidence not in the record.¹⁰ By Notice dated July 8, 2025, the Hearing Officer denied the motion described herein.
- h. Respondent filed with the Commission a Motion Under CGS Sec. 4-178a Including Rulings Made By Hearing Officer to Respondent's Four Motions of 13 JUN 25, 18 JUN 25, 19 JUN 25, 20 JUN 25, dated June 26, 2025. This motion largely reiterates the Respondent's motions described in paragraphs 15.e., as well as 16.a., b., c. and f, above. As explained by the Hearing Officer in his June 16, 2025 ruling, Commission regulations: (i) do not permit the full Commission to

⁸ The apparent reason for the Respondent's Motion to Accept New Respondent Exhibit, stems from the allegation in the Petition that the Respondent "spoofed" a Town employee's phone number when contacting the, then, First Selectman-Elect. The Respondent's attempted comparison between the allegations in the Petition to the alleged events described in his Motion to Accept New Respondent Exhibit is frivolous.

⁹ With respect to the Respondent's Motion to Strike, the Petitioners' June 17 filings substantially complied with the Hearing Officer's June 6 Orders for additional evidence and briefs.

¹⁰ To the extent either party makes references to matters not in the administrative record, such matters do not form the basis of the Commission's determination in the above-captioned matter.

2025 ruling, Commission regulations: (i) do not permit the full Commission to consider a matter *before* a hearing officer has issued a Proposed Final Decision; and (ii) provide hearing officers the authority to determine the order in which the hearing is conducted. See Regs. Conn. State Agencies §§1-21j-8 and 1-21j-40. Furthermore, as indicated in the Hearing Officer's June 16 Order, the Respondent is entitled to renew such motions before the full commission, *after* the Hearing Officer issues a Proposed Final Decision, pursuant to §1-21j-40 of the Commission's Regulations. By Notice dated July 8, 2025 the Hearing Officer denied the Respondent's motion identified herein.

- i. Respondent filed with the Commission a post-hearing reply brief dated June 27, 2025. The Commission notes that the briefing schedule set by the Hearing Officer, via his June 6 Order, did not provide the opportunity for reply briefs, and the Respondent did not seek leave from the Hearing Officer to file such a reply brief.¹¹
- j. Respondent filed with the Commission a Motion to Convene and Reconvene Hearing & Request for Sanctions dated June 29, 2025, which was received by the Commission on June 30, 2025. In this motion, the Respondent alleged, among other things, that the Hearing Officer, the Executive Director, and Commission Counsel held illegal meetings, and requested that "the maximum civil penalties of five thousand dollars . . . be levied against" the Commission as well as the Hearing Officer, the Executive Director, Commission Counsel, and every Commissioner individually. By notice dated July 8, 2025 the Hearing Officer denied the Respondent's Motion to Convene and Reconvene Hearing & Request for Sanctions.
- k. Respondent filed with the Commission a Motion to Reconvene to Accept Newly Acquired Evidence, dated July 3, 2025. In this motion, the Respondent requested that the hearing in this matter be reconvened to present, what the Respondent purports to be "new evidence."¹² By notice dated July 7, 2025, the Hearing

¹¹ The substance of the Respondent's June 27 reply brief addressed the Petitioners' Exhibit JJ (after-filed). Petitioners' Exhibit JJ was ordered by the Hearing Officer in an Order to Submit Additional Evidence dated June 6, 2025. Per the Commission's Regulations the Respondent was provided an opportunity to submit a reply statement by June 24, 2025. The Respondent filed his reply to the after filed exhibits on June 19, 2025.

¹² The "new evidence" identified in the Respondent's motion described in paragraph 16.k., above, consists in part of emails he received from the Commission in response to his June 5, 2025 records request, described in paragraph 17, above. The Respondent alleges that such emails contain an "adulteration" of an email he had previously sent to the Commission. The purported "adulteration" is an autogenerated disclaimer that appears when Commission staff receives an email from a sender outside of its organization and reads as follows: "EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe." The Respondent seeks to offer this disclaimer as evidence of a Commission policy regarding external links.

The Commission notes that the Respondent routinely engages in correspondence with the Commission, including with respect to his various records requests he has submitted to the Commission. In nearly every response to such requests, the Commission has included the Respondent's original email containing his request in its reply/acknowledgement. Such replies/acknowledgments almost universally contained the same autogenerated

Officer denied the Respondent's Motion to Reconvene to Accept Newly Acquired Evidence.

- l. Respondent filed with the Commission a Motion Under CGS Sec. 4-178a of Denial to Respondent's 3 JUL 25 Motion to Reconvene, dated July 8, 2025. In this motion, the Respondent, in part, reiterates his prior motions described in paragraphs 15.e., as well as 16.a., b., c. f, and h, above. Moreover, the Respondent included the same false statements that were described in footnote 12, above. By Notice dated July 8, 2025, the Hearing Officer denied the motion described herein.
- m. Respondent filed with the Commission a Motion Under CGS Sec. 4-178a of Denial to ALL Respondent's Post Hearing Motions, dated July 9, 2025. In this motion, the Respondent, in part, reiterates his prior motions described in paragraphs 15.e., as well as 16.a., b., c. f, h, and 1 above. By Notice dated July 11, 2025, the Hearing Officer denied the motion described herein.

17. In addition to his various filings and motions described in paragraphs 10 through 16, above, the Respondent, on June 5, 2025, emailed the Commission requesting to "inspect records specifically related to the motion [he] filed under the authority of CGS Sec. 4-178a. . . ." (essentially an FOI request to the Commission). The Respondent additionally requested all documents be provided in PDF and Word form with accompanying metadata and demanded a rolling production as documents became available. The Respondent categorized the request as "HIGHEST URGENCY." The motion referenced in this FOI request was denied, as indicated in paragraph 15.e., above.

18. The Commission finds that the numerous motions and filings by the Respondent, totaling over twenty (20) in this matter, as outlined in paragraphs 10 through 16, above, as well as his June 5 records request described in paragraph 17, above, were designed to overwhelm the Commission in order to prevent the timely adjudication of this matter. The Commission notes that such motions and filings did, in fact, significantly impede the Commission's ability to process this matter in a timelier fashion.

IV. THE RESPONDENT'S FOI REQUESTS, RELATED CONDUCT, AND COMMUNICATIONS

disclaimer identified above. The Commission takes administrative notice of the following records requests submitted by the Respondent to the Commission: Request dated February 28, 2023 (Commission reply contains same autogenerated disclaimer); Request dated March 19, 2023 (same); Request dated April 20, 2023 (same); Request dated April 21, 2023 (same); Request dated September 14, 2023 (same); Request dated September 20, 2023 (same); Request dated October 11, 2023 (same); Request dated December 6, 2023 (same); and Request dated May 5, 2024 (same). Contrary to the Respondent's claim, the fact the Commission's email system autogenerated a disclaimer when receiving emails from senders outside its organization is not "newly discovered evidence." The Respondent was well aware of such disclaimer from his prior requests and correspondence with the Commission. The Respondent is admonished for knowingly submitting a motion containing false statements to the Commission. Moreover, the Respondent, in contacting the Commission staff to inquire as to the disclaimer, acted disingenuously and sought to harass Commission staff and obstruct the Commission's adjudication of this matter.

19. In their Petition, documentary evidence, and witness testimony at the hearings on this matter, the Petitioners set forth evidence of the Respondent's various FOI requests and his conduct related thereto.¹³ Such requests, communications, and conduct are detailed in the findings set forth in paragraphs 20 through 62, below.

A. The volume, scope, and nature of the Respondent's records requests to the Petitioners.

20. It is found that for the period relevant to the Petition (i.e., January 1, 2022, through July 26, 2024), the Respondent made approximately thirty-five¹⁴ (35) FOI requests across all Petitioners in this matter.

21. It is found that many of the requests made by the Respondent during the period covered by the Petition were extensive in scope, containing multiple parts or seeking a broad range of records (or both). The volume and scope of the Respondent's requests are illustrated by the following examples:

- a. On February 3, 2022, the Respondent sent the Petitioner, East Lyme Board of Education ("BOE"), a six-part records request seeking thirteen (13) months of BOE phone records and "all records related to any and all executive sessions of the BOE," among other records.
- b. On February 4, 2022, the Respondent sent the Petitioner BOE a request seeking seven (7) categories of records relating to the Black Lives Matter ("BLM") movement spanning two years (2020-2021). Such records included emails, text messages, social media posts, and "all records of contact" pertaining to BLM.
- c. On November 7, 2023, the Respondent sent:
 - the Petitioner, Town of East Lyme Police Department ("ELPD"), a seven (7) part request for records such as calls to police, police reports, and body camera footage for an incident that had occurred earlier that day involving the Respondent wherein the police were called (the "Election Day 2023 incident"), which is described further in paragraph 33.a, below. In addition to the records regarding the Election Day 2023 incident, the Respondent also requested various other types of reports purportedly required under §54-33b, G.S., "citizen complaints," and an array of records pertaining to

¹³ The Commission notes that, despite being afforded ample opportunity to do so, the Respondent did not provide any testimony in this matter.

¹⁴ The Petitioners, in Exhibit II (after-filed), indicate that the Respondent had submitted sixty (60) FOI requests during the period covered by the Petition. The Commission notes, however, that some of those requests were made *after* the Petition was filed on July 30, 2024. While requests which post-date the Petition may be relevant to other portions of the Commission's analysis in determining whether the Respondent meets the standard for a vexatious requester (e.g., to show an ongoing pattern of conduct), such requests are excluded for the purposes of determining the volume of requests made by the Respondent *at the time of the Petition*.

the United States Supreme Court case Counterman v. Colorado, 600 U.S. 66 (2023); and

- a member of the Petitioner, Town of East Lyme Board of Selectmen (“ELBOS”), who was also involved in the Election Day 2023 incident a request seeking all the emails sent or received by that member, in her capacity as a Selectman for the Town, for January to November of 2023.
- d. On February 4, 2024, the Respondent sent the Petitioner, ELPD, a records request containing over forty (40) individual subparts, wherein he sought a broad array of records including, but not limited to, body camera footage, call logs, phone directories, timesheets, “records of all contact” between certain individuals, all FOI requests pending at that time with the Petitioner, ELPD, the “last email sent to or received from each and every member of the Police Commission,” and internet browser/search histories. It is found that this request pertained to an incident wherein the Respondent was arrested for allegedly impersonating a town employee by “spoofing” their town-issued phone number when contacting the then-First Selectman Elect.
- e. On June 8, 2024, the Respondent sent a request to the Board of Police Commissioners (the “Police Commission”), a board of the Petitioner, Town of East Lyme (the “Town”), seeking *all* records created or obtained by the Police Commission between June 2 and June 8, 2024, as well as several categories of records pertaining to emergency meetings held by the Police Commission in early June 2024.

22. It is found that a significant number of the requests identified in paragraph 20, above, contain protracted diatribes, hyper-specific instructions, as well as condescending and demeaning language. The nature of such requests is illustrated by the following examples:

- a. The Respondent, in a joint request to the Petitioners, BOE and Board of Selectmen, dated January 11, 2022, sought several categories of records relating to an organization he referred to as the “Southeastern Connecticut Organization for Racial Equity, Inc.[.]” (“SCORE”). Rather than simply identifying the records he sought, the Respondent used his request as an opportunity to express his contempt for SCORE and the Petitioner, BOE, stating:

The prior name of this group was Black Lives Matter of East Lyme. The people in this group do not hold American values. The group is a communist organization.

After talking with members of the BOS, discovered [sic] that the BOE was duped into passing a resolution written by SCORE. They looked like fools in doing so. What other communist manifestos will the BOE sign onto in the future? Clearly the BOE did not do its diligence in vetting this group, it took me 3 min. to see what other organizations that the

SCORE officers were involved in and this shows that they support the destruction of the rights of citizens we, as Americans, have fought hard to protect.

In multiple related requests, the Respondent proceeded to: (i) expand his request to include “any Black Lives Matter Organization[;]” (ii) identify a separate organization he believed to be affiliated with the Black Lives Matter (“BLM”) movement (the Equity Institute); (iii) accuse the Equity Institute of having a “racist mission;” and (iv) lecture the Superintendent for East Lyme Public Schools about a number of his perceived issues with a study conducted for the Petitioner, BOE, by the Equity Institute.

- b. The Respondent, in a February 3, 2022 request to the Petitioner, BOE, seeking several years’ worth of BOE agendas, phone records, and other records pertaining to the Respondent’s perceived violation of the FOI Act’s open meeting requirements. Again, in making such a request the Respondent did not simply seek records, but rather included:

- his interpretation of various provisions of the FOI Act;
- his statement “The East Lyme Board of Education (BOE) is not the CIA. Yet I have learned that the BOE acts as if it thinks it is the CIA.”¹⁵
- citations to two final decisions of this Commission involving the Petitioners, BOE and Board of Selectmen, respectively, both of which occurred over fifteen years ago at the time the Respondent made his request.
- his statement that “[i]t is hard to comprehend how the BOE attorney attended executive sessions that were not authorized by FOIA wherein the BOE attorney was likely the same for EL BOS that was involved with the [previously cited] Freedom of Information case. . . .”

It is found that all of the instances cited above served as a lengthy preamble to the Respondent’s actual records request, which starts approximately one page into his correspondence with the Petitioner, BOE. Moreover, the Respondent did not actually identify the records he was seeking until almost three pages into such correspondence.

Finally, the Respondent instructed the Petitioner, BOE, that “[i]f any records are claimed to be exempt, provide a detailed reason why; simply saying ‘exempt under XYZ’ will not be deemed as sufficient given the facts related to the BOE conducting illegal executive sessions. Exemptions are needed to be proved by the person claiming it; I have no obligation to believe any exemption claim as this

¹⁵ It is found that such use of “CIA” was meant as a pejorative to accuse the Petitioner, BOE, of conducting clandestine operations.

would need to be proven in court. Providing a detailed reason for a claim may avoid issues.”

- c. The Respondent, in his November 7, 2023 request, described in paragraph 21.c., above, began such request with a lengthy preamble dedicated to airing his grievances about his interaction with the Petitioner, ELPD, as a result of the Election Day 2023 incident, when police officers asked to see his identification. The Respondent also used this request as an opportunity to provide the Petitioner, ELPD, with his interpretation of constitutional and statutory law.
- d. The Respondent, in his February 4, 2024 request to the Petitioner, ELPD, described in paragraph 21.d., above, included over three pages, single-spaced, of “authorities” under which he purported to make his request, such as “common law,” English cases from 1798, 1808, and 1815, the United States Constitution, and “Natural Rights.”

Additionally, the Respondent used his February 4 request to the Petitioner, ELPD, to air his grievances against the First Selectman and the police, stating “[t]he people have the right to know of government corruption; if the first selectman and his office is using the police department as their own ‘goon squad.’”

Moreover, the Respondent ended his request with nearly a page worth of “further directions” wherein he instructed the Petitioner, ELPD:

- to cite the specific statutory or “common law” exemption for any record they withheld;
- that “claims of exemption must cover all of the authorities for accessing records. It will be deemed insufficient for records available to FOIA and common law to simply claim an exemption under FOIA without making a showing that the record is also exempt under common law[;]”
- not to “respond with a response of the likes of ‘Oh, go over to another government agency and get the record there’ if the agency also has the same record[;]” and
- that “[t]he filing of a record request is not an opportunity for the agency to harass or annoy requesters.”

23. It is further found that in making the requests described in paragraphs 20 through 22, above, the Respondent utilized several tactics to overwhelm the Petitioners and frustrate their efforts to not only reply to his requests but also perform their other functions. Such tactics include: (i) burying the substance of the records request under or within exposition concerning his interpretation of the law and (often times) meritless legal arguments, his various critiques and grievances of the Petitioners, and his attempts to “educate” the Petitioners on proper FOI Act procedures; (ii) demanding specific and detailed reasoning for any exemption claimed regarding

the requested records; and (iii) designating many of his requests as “urgent,” often times in bad faith.

24. It is found that because the Respondent would embed the actual substance of many of his requests under or within exposition, the Petitioners had to decipher the requests, as well as research and respond to the various claims therein. Moreover, as noted by the court in Godbout v. Freedom of Info. Comm’n, Superior Court, judicial district of New Britain, Docket No. CV-19-5025125S, 2019 WL 5172357, at *8 (September 23, 2019), the Respondent “is entitled to his opinions. . . and he has every right to express those opinions to the legislature, to public officials, and to the public at large. He does not, however, have a right to use the commission’s administrative process as a vehicle for expressing his view.” As the making of a request to access public records initiates the Commission’s administrative process, the Respondent similarly may not utilize records requests as a vector for such purposes.

25. It is found that by demanding specific and detailed reasoning for claims of exemption, the Respondent sought to make complying with his requests more burdensome for the Petitioners as they, in good faith, attempted to engage with the Respondent on such points. While the Commission encourages public agencies to provide explanations to requesters as to why certain records may be withheld, doing so is not required under the FOI Act, especially when such explanations are demanded as a tactic to inundate the agency, as was the case here. See, Albright-Lazzari v. Murphy, Superior Court, judicial District of New Britain, Docket No. CV-10-5014984S, 2011 WL 1886878, *3 (April 21, 2011) (noting that public agencies have no duty to answer questions or create documents they did not maintain).

26. It is found that the Respondent’s designation of many of his requests as “urgent,” served, at least in part, to put additional undue pressure on the Petitioners to provide records within the time he demanded. The Commission notes that the FOI Act requires that records be disclosed “promptly.” See, §§1-210(a) and 1-212(a), G.S. The Commission assesses many factors when determining whether an agency acted “promptly” pursuant to the FOI Act. See Advisory Opinion # 51. While one such factor is whether a requester has expressed an urgent need for the records, nothing in the FOI Act empowers a requester to *demand* compliance by a date certain, as exhibited by several of the Respondent’s requests pertinent to the Petition. It is found that the Respondent cited to Advisory Opinion #51 and the “promptness” provisions of the FOI Act in an attempt to inundate and intimidate the Petitioners.

27. Based on the foregoing, it is found that a significant number of the Respondent’s requests relevant to the Petition were not made in good faith to access public records. Rather, it is found that the Respondent, operating under the guise of seeking public records, used many of his requests as a platform by which he could air his grievances against the Petitioners as well as castigate, and in some instances, retaliate against public officials and employees.

28. Accordingly, it is found that the volume, scope, and nature of the Respondent’s requests pertinent to the Petition, supports a finding that he is a vexatious requester within the meaning of §1-206(b)(6), G.S.

B. The nature, content, language, or subject matter of other oral or written communications to the agency by the Respondent.

29. It is found that in addition to the requests described in paragraphs 20 through 28, above, the Respondent engaged in (or attempted to engage in) a significant degree of communication, both oral and written, with the Petitioners during the time relevant to the Petition.

30. It is found that the instances of written communications to the Petitioners by the Respondent shared many characteristics with his records requests described in paragraphs 20 through 28, above, such as protracted diatribes, spurious legal claims, as well as demeaning, adversarial, and accusatory language. Instances representative of such written communications include:

- a. A reply email from the Respondent to the Petitioner, BOE, dated April 12, 2022, after they had directed the Respondent to a “Board Docs”¹⁶ link on their webpage to view all school policies he had requested to inspect on April 11, 2022. In his reply, the Respondent proceeded to lecture the Petitioner, BOE, regarding how Board Docs, as a platform, is untrustworthy, stating:

[w]hen people visit an agency’s website, owned by the agency, the public has some level of assurance that the records are not adulterated as 1-240 makes it a crime to do so. On boarddocs there is no such assurance . . .

The posting that the view sees [on Board Docs] is a html page..[sic] easily changed.

. . .

The BOE has its own web site. The BOE has control over it. Why the BOE has decided to use boarddocs is a mystery . . . agendas and minutes are easily found pre-boarddocs usage. Whoever the genius was that decided to go to boarddocs was, it was a bad move. Waste of money and resulted in the BOE not posting its agendas and minutes on the agency’s website as 1-225 mandates.¹⁷

Confidence as to what is shown on boarddocs: zero.

- b. Email correspondences in connection with the Respondent’s November 7, 2023 request to, in part, inspect body-camera footage from the Election Day 2023 incident. In response to this request, the Petitioner, ELPD, provided access to such

¹⁶ The Commission takes administrative notice that Board Docs is a service that provides online access to board documents and meeting material and is routinely used by Boards of Education and municipalities.

¹⁷ The Commission has never concluded that the use of Board Docs, or similar platforms, violates any provision of the FOI Act.

videos via a web link, as they do not have available publicly accessible computers. In a series of emails, the Respondent wrote:

- “[a]re you denying access to the body cam footage? I cannot hear the audio. The issues associated with complying with the FOIA is a YOU issue, not a ME issue. Solve YOUR issues and let me know.”
- “[y]ou need to provide me access. In [Docket #FIC 2014-404]¹⁸ . . . the agency in that case also claimed that the area needed for access to comply with FOIA was a ‘secure’ area. . . . Its similar here . . . you built the police station without regard to FOI requirements. That’s not a ME problem. You and your agency has [sic] been ordered to comply with FOIA in the past. 1-240 may be activated in respect to the criminal part. I prefer gaining access rather than an arrest.”

c. Email correspondence in connection with other parts of the Respondent’s November 7, 2023, request for records stemming from the Election Day 2023 incident. In a series of emails, the Respondent:

- in response to the Petitioner, ELPD’s, provision of the dispatcher call audio from the Election Day 2023 incident, used his follow-up responses as a platform to air his grievances about the incident, stating:

This Molly of ELEM should not be taking calls; promising to send the ELPD over to remove a person when no facts were presented to the ELEM to justify sending ELPD over is reason enough. Please provide me the full name of this “Will Do!” Molly dispatcher and the actual job title that she is employed under. This information will allow me to file a focused record request to ELEM.¹⁹

- in response to the Petitioner, ELPD, acknowledging his request, indicated that acknowledgment of his request was not sufficient to comply with the promptness requirement of the FOI Act. Moreover, the Respondent again alluded to potential criminal action against the Petitioner, ELPD, pursuant to §1-240, G.S., for purportedly not complying with a prior order of this Commission.²⁰

¹⁸ The Commission notes that Docket #FIC 2014-404, David Godbout v. Citation Hearing Officer, Hartford Parking Authority et al., (June 10, 2015), dealt with the open meeting requirements under §1-225(a) G.S., and not the records access provisions of §§1-210(a) and 1-212(a), G.S.

¹⁹ As used in paragraph 30.c., above, the individual referred to as “Molly” is supposedly the dispatcher who received the call for the Election Day 2023 incident. Additionally, ELEM, refers to East Lyme Emergency Management, a department within the Petitioner, Town of East Lyme.

²⁰ The order cited by the Respondent presumably is in reference to Docket #FIC 2013-032, David Godbout v. Chief, Police Department, Town of East Lyme, et al. (December 18, 2013), a final decision issued over a decade ago.

- in response to the Petitioner, ELPD's, indication that they did not maintain any report purportedly required under §54-33b, G.S., became increasingly antagonistic, stating in a reply email:

And your interpretation of CGS Sec. 54-33b leads to absurd result [sic] that basically voids the statute. Any search requested, if performed or not, requires a report to be created. It is this or these records I was seeking. Did you not understand this? Would you like me to submit another request or would you like to amend your initial response and provide me access to the records sought in my 7 NOV 23 request?

...

Do searches that are refused result in CGS Sec. 54-33b reporting requirements to be simply ignored in the ELPD?

Instead of the ELPD taking the opportunity to improve its behavior and note a desire to follow state and federal law the town's police wishes to try to make records with false information attacking citizens who wish the police to simply follow the law. Stop acting like Stasi²¹ and act like what Americans demand as proper police behavior. CGS Sec. 54-33b was passed to address the behavior of police as demonstrated on 11-7-23.

- d. Email correspondence regarding the Respondent's November 15, 2023 request to the Registrar of Voters for the Town of East Lyme seeking copies of voter registration lists containing the name, address, phone number, party affiliation and date of birth of East Lyme voters, made in late 2023 to the Registrar of Voters for the Town of East Lyme. Upon being informed that, pursuant to state statute, the Registrar would only provide the voters' birth month and year, the Respondent:
 - sent a lengthy reply indicating that: (i) he was requesting such records under "common law rights that were incorporated into our state constitution in 1818;" and (ii) "the FOI Commission is not the venue to decide such disputes in respect to what an agency may or may not redact under common law rights. This will be up to the courts . . . if the agency and town wishes to waste thousands and thousands of dollars of taxpayer dollars in a Don Quixote defense then I guess a civil case will be filed and the town can waste its money."

²¹ It is found that the use of the term "Stasi" is meant as a pejorative comparing the Petitioner, ELPD, to the Ministry for State Security, the state security service and secret police of East Germany in the mid-to-late twentieth century.

- sent a follow up email arguing, §9-50d(a), G.S., the statute limiting disclosure of voter registration lists, was “not a law,” because it was passed in 2021 when the General Assembly could not meet in person and in Hartford due to the then-in place safety measures deployed in response to the COVID-19 pandemic.

31. It is found that the Respondent utilizes the pretense of a records request and follow up correspondence to ensnare the Petitioners in protracted discussions and make them a captive audience to his grievances, diatribes, and (often erroneous) legal theories. It is further found that the Petitioners, in good faith, routinely attempt to engage with the Respondent to address his claims – requiring a significant amount of time to decipher the Respondent’s communications, consult with legal counsel, and formulate responses.

32. It is found that engaging in such correspondence significantly impeded the Petitioners’ operations.

33. It is found that with respect to the Respondent’s oral or in person communications, the record contains at least two instances in which police officers became involved – the Election Day 2023 incident and the spoofing incident.

- a. With respect to the Election Day 2023 incident, it is found that the Respondent was reported to have been causing a disturbance at the East Lyme High School polling site and harassing candidates and politicians about a FOI request he made (and claimed was denied). It is further found that when the police arrived on scene, the Respondent voluntarily approached them but refused to provide identification when asked.
- b. With respect to the spoofing incident, it is found that on November 27, 2023, the then-First Selectman Elect received two phone calls on his cell phone that appeared to be from the phone number associated with the Town’s Executive Assistant but turned out to be the Respondent upon answering. It is further found that in both instances, the Respondent called to express discontent regarding his recent FOI requests.

34. It is found that both the Election Day 2023 incident and the spoofing incident are consistent with the nature of the Respondent’s written correspondence described in paragraphs 29 through 32, above.

35. With respect to the Election Day 2023 incident, it is found that the Respondent badgered and harassed candidates for municipal office with questions pertaining to the FOI Act. With respect to the spoofing incident, it is found that the Respondent used the phone number of the Town’s Executive Assistant to surreptitiously contact the then-First Selectman Elect to complain about his various FOI requests.²² In both instances, it is found that the Respondent used

²² The Commission notes that the Respondent was arrested for and charged with criminal impersonation in connection with the spoofing incident. The Commission cannot, and does not, make any determination as to the whether the Respondent has violated any criminal law. The Commission *can*, however, assess the Respondent’s

the rights afforded under the FOI Act as a pretense to air his grievances against public employees and officials. It is found that by doing so, the Respondent was not attempting, in good faith, to access public records.

36. Accordingly, it is found that the Respondent's other communications with the Petitioners (both written and oral) support a finding that he is a vexatious requester within the meaning of §1-206(b)(6), G.S.

C. Other factors relevant to whether the Respondent is a vexatious requester within the meaning of §1-206(b)(6), G.S.

37. As noted in paragraph 3, above, the Commission's determination as to whether a requester is vexatious is not limited to those factors expressly enumerated in §1-206(b)(6), G.S.

Respondent's conduct during the hearings in this matter

38. It is found that the Commission held two hearings in this matter, one on May 19, 2025, and the second on June 3, 2025. The May 19 hearing commenced at approximately 2:45 p.m., and concluded at approximately 5:18 p.m.²³ The June 3 hearing commenced at approximately 1:03 p.m., and concluded at approximately 5:03 p.m. The total hearing time was approximately six and a half hours – over four times the amount scheduled for the hearing.

39. As noted in paragraphs 12 and 13, above, the Respondent presented two lengthy motions to the Hearing Officer, for the first time, at the May 19 hearing in this matter (i.e., the initial hearing). It is found that the Respondent insisted that the Hearing Officer rule on such motions before proceeding with the evidentiary hearing. It is found that such motions were made, and presented, in such a manner to flood the Hearing Officer, the Commission, and the Petitioners, with unfounded accusations and meritless legal arguments in an effort to stall out the hearing.

40. It is found that the Respondent, throughout the hearings, continued to make requests designed to stall and delay the proceedings. For instance, shortly after the June 3 continued hearing commenced, the Respondent requested that the hearing be continued so that he may obtain counsel. The Hearing Officer denied the Respondent's request to continue the hearing on the record during the June 3 continued hearing. Additionally, the Hearing Officer informed the Respondent that he was free to retain legal counsel for when the proposed final decision in this matter is considered by the full Commission.²⁴

conduct in determining whether he is a vexatious requester within the meaning of §1-206(b)(6), G.S. The spoofing incident is an example of such conduct.

²³ The Commission notes that the May 19 hearing was scheduled to begin at 2:30 p.m.; however, the start of such hearing was delayed as the Hearing Officer needed to review the Respondent's motions filed just prior to the hearing time, as described in paragraphs 12, and 13, above.

²⁴ The Commission notes that the Respondent had *ample* time to consult with and obtain counsel prior to the commencement of the hearing in this matter. In fact, the Respondent had submitted five (5) motions between the end of the first hearing and the start of the continued hearing. None of the five (5) motions indicated that the Respondent was seeking counsel or an adjournment of the June 3 hearing in order to obtain counsel. The Commission also notes

41. It is found that the Respondent abused his right to conduct a cross-examination of the Petitioners' witnesses. The Respondent used his cross-examination as an opportunity to badger witnesses about their responses to his various records requests²⁵ and go on irrelevant tangents. The Hearing Officer needed to continuously redirect the Respondent back to a relevant line of questioning. It is found that the Respondent's cross-examination of the Petitioners' witnesses was, in large part, designed as another method by which he could delay the Commission's adjudication of the Petition. In fact, the Hearing Officer was required to continue the May 19 hearing, in part, to afford the Respondent further opportunity to cross-examine the Petitioners' witnesses.

42. It is found that the conduct displayed by the Respondent during the two hearings in this matter is consistent with his conduct towards the Petitioners during the time relevant to the Petition, in that he sought to use the Commission's proceedings as another opportunity to harass public employees and officials, air his grievances of both the Petitioners and the Commission, and obstruct public agencies that he felt had wronged him.

Complaints filed by the Respondent with the Commission

43. It is found that in addition to the numerous requests and communications identified in paragraphs 31 through 35, above, the Respondent filed with the Commission five (5) complaints against the Petitioners during the time relevant to the Petition. The Commission takes administrative notice of the following cases: Docket #FIC 2022-0116, David Godbout v. Policy Review Committee, Board of Education, East Lyme Public Schools et al.; Docket #FIC 2022-0153, David Godbout v. Policy Review Committee, Chairman, Board of Education, East Lyme Public Schools et al.; Docket # FIC 2023-0614, David Godbout v. Ann Cicchiello as member, Board of Selectmen, Town of East Lyme et al.; Docket #FIC 2023-0618, David Godbout v. First Selectman, Town of East Lyme et al.; and Docket #FIC 2023-0635, David Godbout v. Wendi Sims, Democratic Registrar of Voters, Town of East Lyme et al.

44. It is found that during the time relevant to the Petition, the Respondent filed a total of twenty one (21) complaints with the Commission (including the five identified in paragraph 43, above). Such complaints were made against the Petitioners, other public agencies, and the Commission itself.

that the Respondent utilized counsel for at least part of the proceedings in PRVR #1. Moreover, the Respondent has not informed the Commission that he has subsequently engaged counsel on his behalf. Thus, it is not credible that the Respondent would be unfamiliar with the process of obtaining counsel in the instant matter.

²⁵ The Respondent asserts that it was necessary to question the Petitioners about their responses to his various requests as it would explain the volume of his requests. The Respondent's line of questioning was improper for several reasons: (i) he had already elicited from the Petitioners' witnesses that, to the best of their knowledge, they had complied with his various requests, additional questions on the matter would only serve to badger the witnesses and delay the proceedings; and (ii) the Respondent was attempting to litigate the Petitioners' response to each of his requests. If the Respondent has an issue with a response to a records request, he may file a complaint with the Commission, which will be adjudicated *unless doing so would be an abuse of the Commission's administrative process*. Accordingly, a PRVR hearing is not an appropriate setting to litigate whether a public agency has fully complied with individual records requests.

45. It is found that for all of the Respondent's complaints identified in paragraph 43, above, the Commission's Executive Director recommended that the Commission not schedule such complaints for a hearing, pursuant to §§1-206(b)(2) and (3), G.S., as doing so would "constitute an abuse of the Commission's administrative process[.], . . .perpetrate an injustice[.], . . . waste scarce resources of the Commission, . . . unfairly delay the hearings in hundreds of other complaints, and . . . needlessly summon the respondents to a hearing in Hartford."

46. It is found that the Respondent would frequently withdraw such complaints just prior to the date when the full Commission would consider the Executive Director's recommendation.²⁶ It is further found that the Respondent utilized such withdrawals to game the system as to: (i) avoid having an official Commission decision indicating his complaints constitute an abuse of the Commission's administrative process; and (ii) maximize the work and effort required of the various public agencies and the Commission to process his requests and complaints, only to make such efforts meaningless with a last minute withdrawal.

47. It is found that such withdrawals strongly indicate that the Respondent did not make such complaints as part of a good faith effort to vindicate his rights under the FOI Act, but rather as a tactic to overwhelm the target of such complaints – specifically, the Petitioners and the Commission. The Respondent could have used the opportunity afforded by the Commission to explain why his complaints were valid and meritorious. It is found, however, that by withdrawing his complaints in the manner described in paragraph 46, above, the Respondent made clear that accessing public records and addressing alleged violations of the FOI Act was never the point of making such complaints.

Respondent's filings in Superior Court

48. It is found that in light of the Commission exercising its authority pursuant to §§1-206(b)(2) and (3), G.S., the Respondent has attempted to forego the administrative process entirely and file actions in Superior Court alleging that the Petitioners violated the FOI Act. See, Godbout v. Town of East Lyme et al., Superior Court Judicial District of New London, Docket No. CV24-5025048-S (filed March 22, 2024); Godbout v. East Lyme Police Commission et al

²⁶ The Commission takes administrative notice of the following docketed complaints and their respective withdrawals by the Respondent: Docket #FIC 2022-0116 (recommendation to be considered by the Commission on February 23, 2023; complaint withdrawn by Respondent February 20, 2023); Docket #FIC 2022-0144 (same); Docket #FIC 2022-0153 (same); Docket #FIC 2022-0155 (recommendation to be considered by the Commission on August 10, 2022; complaint withdrawn by Respondent August 8, 2022); Docket #FIC 2022-0390 (recommendation to be considered by the Commission on April 12, 2023; complaint withdrawn by Respondent April 10, 2023); Docket #FIC 2022-0405 (same); Docket #FIC 2022-0443 (Respondent withdrew complaint on the day the recommendation was to be considered – September 13, 2023); Docket #FIC 2022-0490 (recommendation to be considered by the Commission on September 27, 2023; complaint withdrawn by Respondent September 26, 2023); Docket #FIC 2023-0023 (same); Docket #FIC 2023-0148 (same); Docket #FIC 2023-0207 (Respondent withdrew complaint on the day the recommendation was to be considered – September 27, 2023); Docket #FIC 2023-0249 (same); Docket #FIC 2023-0300 (recommendation to be considered by the Commission on September 27, 2023; complaint withdrawn by Respondent September 26, 2023); Docket #2023-0472 (recommendation to be considered by the Commission on July 12, 2024; complaint withdrawn by Respondent July 24, 2024); Docket #FIC 2023-0482 (recommendation to be considered by the Commission on July 24, 2024; complaint withdrawn by Respondent July 5, 2024).

superior court, Judicial District of New London, Docket No. CV24-502597-S (filed July 8, 2024).²⁷

49. It is found that by bringing actions alleging violations of the FOI Act directly to Superior Court, the Respondent has shown a clear disregard for the FOI Act, the Commission, and its administrative process.

50. It is found that throughout the judicial proceedings in both cases cited in paragraph 48, above, the Respondent continues to use the FOI Act as a pretense to inundate the Petitioners with frivolous legal claims and filings. Moreover, it is found that the Respondent seized the opportunity to harass the courts with filings such as:

- a. “Plaintiff Objection to Angelica Papastavros/Motion to Recuse a Person Who is Not a Judge,” wherein the Respondent alleged that the Hon. Angelica Papastavros was not a duly appointed judge; and
- b. “Plaintiff Motion for Orders (Related to Cecil Thomas – Not a Judge)” and “Plaintiff Motion for Orders (Related to Donna Wilkerson – Not a Judge)” wherein the Respondent alleged that the presiding judges in their respective matters were also not duly appointed judges and requested that, among other things, an arrest warrant be issued against them for impersonating a judge.

Respondent’s interference with the Commission’s operations in matters in which he was not a party

51. The Commission takes administrative notice of the administrative record in Petition for Relief from Vexatious Requester #4; City of Stamford v. Matthew Olson (November 23, 2022). The Respondent moved to intervene in that matter on the grounds that “[i]n paragraph 12 of the [City of Stamford’s] supplemental petition . . . on pages four and five the [City] describes the Intervenor in a highly unfavorable light and in a manner that defames the Intervenor.”

52. It is found that in paragraph 12 of the supplemental petition referenced by the Respondent in paragraph 51, above, the City of Stamford cited standards from PRVR #1 and applied such standards to the facts present in PRVR #4. In fact, the City of Stamford expressly identifies the Respondent in PRVR #4 in paragraph 12 and its subparts, not the Respondent herein. It is found that the Respondent’s filing of his motion to intervene in PRVR #4 was patently frivolous and designed only to hamper the Commission’s ability to adjudicate a matter completely unrelated to him.

53. The Commission also takes administrative notice of a records request the Respondent filed with the Commission on April 19, 2023, wherein he sought over three years of time sheets and payroll cases of a Staff Attorney for the Commission who sought an extension of time to file a brief with the Superior Court in a matter *completely* unrelated to the Respondent. As is the case

²⁷ The Commission takes administrative notice of the record in both matters cited in paragraph 48, above, and notes that the court in both instances dismissed the Respondent’s complaint, in part, for failing to exhaust his administrative remedies. The Respondent has appealed both decisions.

in many of the Respondent's requests, he did not simply seek public records in making such a request. Rather, it is found that the Respondent included a multi-paragraph prelude wherein he chastised the Commission for not adjudicating requests within a time acceptable to him, and notes "[a] reading of the entire motion and facts alleged indicates that the FIC has plenty of staff and that they are simply horribly mismanaged to the point that the FIC cannot perform its primary function. . . ." It is found that this request was vindictive and designed to castigate the Commission and its staff.

54. It is found that the other factors considered by the Commission, as outlined in paragraphs 40 through 53, above, provide considerable insight and context to the tactics and methodologies by which the Respondent abuses the FOI Act, and the rights afforded thereunder.

55. Moreover, it is found that the other factors considered by the Commission, as outlined in paragraphs 40 through 53, above, support a finding that the Respondent is a vexatious requester as defined in §1-206(b)(6), G.S.

V. A PATTERN OF CONDUCT THAT AMOUNTS TO AN ABUSE OF THE RIGHT TO ACCESS INFORMATION UNDER THE FREEDOM OF INFORMATION ACT OR AN INTERFERENCE WITH THE OPERATION OF THE AGENCY

56. As noted in paragraph 9, above, the Respondent was previously found by this Commission to be a vexatious requester, in PRVR #1.

57. While the allegations in PRVR #1 do not form the basis for the Commission's determination in this matter, the findings by the Commission in PRVR #1 are disturbingly similar to the examples of the Respondent's conduct contained in the administrative record of this matter. It is found that the Respondent has continued the same pattern of conduct that was previously determined by this Commission to be vexatious.

58. Moreover, the Commission notes that the Respondent is familiar with the FOI Act, making records requests, and the Commission's administrative process. It is found that throughout the time relevant to the Petition and these administrative proceedings, the Respondent has used that knowledge to intentionally interfere with the operations of the Petitioners and the Commission. It is further found that the Respondent used his knowledge of the FOI Act to tailor many of his requests to give the air of reasonableness and cooperation. However, it is found that even after a cursory reading of his requests, communications, and filings in this matter, such guise is belied by the Respondent's insistent badgering and condemnation of the Petitioners and the Commission.

59. It is further found that the cumulative nature of the Respondent's requests, communications, and conduct during the period covered by the Petition have had a decidedly detrimental effect on the Petitioners and significantly impeded their operations.

60. As the court has made clear in the context of §§1-206(b)(2) and (3), G.S., "[o]ur statutes make clear, however, that the commission need not tolerate the improper use of the act as a means of targeting one of its officers or challenging the commission's very existence. The commission properly denied the plaintiff a forum to further his ulterior motive." See Godbout v.

Freedom of Info. Comm'n, Superior Court, Judicial District of New Britain, Docket No. CV-15-5017046-S, 2016 WL 4708550, *6 (August 9, 2016).

61. It is found that the Respondent, by using the rights afforded under the FOI Act as a facade to further his ulterior motives has made a mockery of the public's right to access records, and treated the FOI Act and the Commission's administrative process as if it were a game.

62. It is found that the Respondent has showed no indication of deviating from his pattern of conduct. The Respondent continues to send the Petitioners records requests and related correspondence as a pretense to make the Petitioners a captive audience for his grievances and admonition. In fact, the Respondent's antagonistic behavior has again led to his arrest after he was reported to have caused a disturbance at a voting center located within the Town during the 2024 election.

VI. CONCLUSION

63. In light of the foregoing findings of fact set forth herein, it is concluded that the Petitioners have met their burden in this matter to establish that the Respondent is a vexatious requester.

64. Accordingly, the Petitioners' Petition for Relief from Vexatious Requester is granted.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned Petition:

1. The Petitioners, inclusive of all departments, public officials and employees, need not comply with public records requests from the Respondent for a period of one year from the date of the Notice of Final Decision in this matter, inclusive of any pending on the date of the Notice of Final Decision in this matter.

2. In the event the Respondent files a records request(s) with the Petitioners that demonstrates similar vexatious conduct, as determined to be such herein, the Petitioners may immediately file another Petition for Relief from Vexatious Requester with the Commission; in that event, the Commission may take administrative notice of the entire record, including the vexatious history and conduct outlined in both PRVR #1 and this matter, as the basis for consideration of whether such request(s) constitute a continuation of such conduct and history, as well as a basis for additional relief commensurate with the vexatious conduct.

3. Henceforth, and including after the expiration of the order set forth in paragraph 1 of the order, above, the Respondent shall cease from engaging in similar vexatious conduct toward the Petitioners as that which is found throughout the findings and conclusions, above.

4. In the event of an application for an order to the Superior Court following the Commission's decision in this matter, the Commission's order set forth in paragraph 1, above, shall be stayed until the final disposition by the court on such application and all appeals have been exhausted.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 23, 2025.




Molly Steffes
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:

POLICE DEPARTMENT, TOWN OF EAST LYME; BOARD OF EDUCATION, EAST LYME PUBLIC SCHOOLS; AND TOWN OF EAST LYME, c/o Attorney Mark Zamarka, Waller, Smith & Palmer, PC, 52 Eugene O'Neill Drive, New London, CT 06320

DAVID GODBOUT, 15 Cardinal Road, East Lyme, CT 06333



Molly Steffes
Acting Clerk of the Commission