

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Tymothee Kelley-Anderson,

Complainant

against

Docket # FIC 2024-0329

City Assessor, Assessor's Office, City of
New Haven; Assessor's Office, City of New
Haven; and City of New Haven,

Respondents

May 14, 2025

The above-captioned matter was heard as a contested case on October 17, 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, by letter dated April 16, 2024, the complainant requested that the respondent City Assessor and respondent Assessor's Office (together "Assessor's Office") provide him with the following records:

[a.] A Photocopy of ALEX PULLEN[']s] (acting as City Assessor)
... Public Official Surety Bond as referenced in Connecticut
Senate bill 815, Public Act No. 19-83[.]

[b.] A photocopy of the board of directors blanket surety bond if
your Board requires the members to be bonded under a blanket
bond[.]

[c.] A photocopy of your Errors & Omissions (E&O) a Surety
Liability Insurance policy and the Duty of Care policy if applicable
(Assessor's Office) [.]

[d.] A photocopy of your General Obligation Bonds if applicable[.]

[e.] A photocopy of your general long term bond if applicable[.]

[f.] A photocopy of your Crime Policy if applicable[.]

[g.] A photocopy of your Risk Management Policy if applicable[.]

[h.] A photocopy of the following documents if applicable:
ACORD 125, ACORD 126, ACORD 127, ACORD 128[.] The document should indicate the policy number and the insured amount of the policy.

[i.] A photocopy of the Certificate of Liability if applicable[.]

[j.] A Public Officials and/or any other bonds pertaining to proof of liability and policies. **Based on any and all losses [sic.] of financial responsibility due to negligence or dishonesty. Any and all based on the contract of terms and conditions[.]

[k.] A photocopy of the Faithful Performance Bond if applicable[.]

[l.] A photocopy of the Fidelity Bond if applicable[.]

[m.] A photocopy of the Public Employees Dishonesty Policy (if applicable) [.]

[n.] A photocopy of the Public Employee Blanket Bond if applicable[.]

[o.] A photocopy of the Statutory Bond if applicable[.]

[p.] A photocopy of an Official Bond if applicable[.]

[q.] A photocopy of the power of attorney for the surety bond company[.]

[r.] A photocopy of the Blanket Bond power of attorney for the surety bond company if applicable[.]

[s.] A photocopy of your oath of office[.]

3. It is found that, by email dated April 18, 2024, the respondents acknowledged the complainant's request.

4. It is found that, by separate emails dated May 14, 2024 and May 27, 2024, the complainant followed up with the respondents, thereby renewing his April 16, 2024 request.

5. By letter of complaint, dated and filed June 7, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the records, described in paragraph 2, above.

6. Section 1-200(5), G.S., provides:

“[p]ublic records or files” means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

7. Section 1-210(a), G.S., provides, in relevant part:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to ... (3) receive a copy of such records in accordance with section 1-212.

8. Section 1-212(a), G.S., provides, in relevant part: “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

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

10. At the hearing on this matter, the Acting City Assessor testified, and it is found, that he searched for responsive records and that the Assessor’s Office does not maintain any of the records requested by the complainant. The Acting City Assessor further testified, and it is found, that the requested records generally are not of the type that would be maintained by the Assessor’s Office.

11. Specifically, with regard to the complainant’s request described in paragraph 2(s), above, the Acting City Assessor testified, and it is found, that he took his oath of office orally and that no records exist with respect to such oath.

12. It is found that the Acting City Assessor’s testimony that the Assessor’s Office does not maintain the requested records is credible.

13. It is found that the Assessor’s Office does not have or maintain the requested records, described in paragraph 2, above.¹

¹ The Commission notes that the Acting City Assessor testified that he forwarded the request to the Corporation Counsel for the City of New Haven seeking assistance in determining whether other departments might maintain responsive records. It is further found that the Corporation Counsel’s office ultimately provided the complainant with some responsive records they were able to locate that were maintained by a separate public agency; however, the Corporation Counsel’s provision of records maintained by another agency was a courtesy and not required by the

14. At the hearing on this matter, the complainant contended that the Assessor's Office failed to promptly inform him it does not maintain any responsive records.

15. Section 1-212(a), G.S., of the FOI Act 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." (Emphasis added.) Nothing in the FOI Act requires public agencies to inform a records requester that no responsive records exist, nor to do so promptly.²

16. It is therefore concluded that the respondents did not violate the FOI Act, as alleged by the complainant.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of May 14, 2025.

/s/ Molly Steffes

Molly Steffes

Acting Clerk of the Commission

FOI Act. *See Lash v. Freedom of Info. Comm'n*, 116 Conn. App. 171, 187 (2009) (a public agency has the duty to maintain and disclose, upon request, the records in its possession, but such public agency does not have a duty to maintain or make available the records of another public agency).

² Nevertheless, the Commission recommends that the best practice for public agencies, typically, is to maintain a dialogue with requesters and to inform them when such agencies do not maintain records responsive to the requests they receive, particularly since it might reduce miscommunication and, possibly, the filing of complaints with 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:

TYMOTHEE KELLEY-ANDERSON, 95 Fountain Street, Unit 3135, New Haven, CT 06515

CITY ASSESSOR, ASSESSOR'S OFFICE, CITY OF NEW HAVEN; ASSESSOR'S OFFICE, CITY OF NEW HAVEN; AND CITY OF NEW HAVEN, c/o Attorney Catherine E. LaMarr, Office of the Corporation Counsel, City Hall, 165 Church Street, 4th Floor, New Haven, CT 06510

/s/ Molly Steffes

Molly Steffes

Acting Clerk of the Commission