FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

Thomas Birmingham,

Complainant

against Docket # FIC 2024-0326

Executive Director, Livable City Initiative, City of New Haven; Livable City Initiative, City of New Haven; and City of New Haven,

Respondents May 28, 2025

The above-captioned matter was heard as a contested case on November 25, 2024, at which time the complainant and respondents appeared and presented testimony, exhibits, and argument on the complaint.

Following the November 25, 2024 hearing, the hearing officer ordered the respondents to submit records that are the subject of this matter to the Commission, without redactions, for an in camera inspection. Thereafter, the hearing officer ordered the parties to appear for a continued hearing on March 31, 2025, to take testimony concerning the exemptions claimed by the respondents on their Index to Records Submitted for In Camera Inspection.

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 May 29, 2024, the complainant submitted to the respondents a request for copies of each of the following records (hereinafter "complainant's request"):[1]

(a) All emails sent by the respondents to or concerning Mandy Management, Ocean Management, or Pike International during 2020-2023.

(b) All emails sent by the respondents related to the Residential Rental Licensing Program during 2023.

(c) All emails sent by the respondent Livable City Initiative ("LCI") director in 2023.

[1] The Commission notes that the complainant also submitted several other requests to the respondents on May 29, 2024; however, they are not addressed herein because the complainant did not allege in his complaint that such requests remained unfulfilled.

(d) All public records of housing code complaints sent to the respondents from 01/01/2023 to 03/22/2024.

(e) All public records relating to the property located at 341 Smith Avenue, otherwise known as Sunset Ridge Apartment Complex, specifically any and all inspections associated with 67 unique respondent-assigned complaint numbers.

3. It is found that, by email dated June 5, 2024, the complainant requested from the respondents a status update on the requests described in paragraph 2, above.

4. By email 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 him with a copy of all responsive records.

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

> "[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.

6. Section 1-210(a), G.S., provides the following 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 … receive a copy of such records in accordance with section 1-212.

7. 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."

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

9. It is found that, as of the date of the November 25, 2024 hearing, the respondents had not disclosed any records responsive to the complainant's request; rather, the respondents had only provided the complainant with "indexes of emails." It is found that such indexes were comprised of lists of all emails responsive to the complainant's request, including the emails' subject line, sender, recipient, and date sent. It is further found that some email subject lines in the index of emails were redacted.

10. At the November 25, 2024 hearing, counsel for the respondents represented that the index of emails described in paragraph 9, above, listed approximately 26,000 emails responsive to the complainant's request. At said hearing the undersigned hearing officer ordered the respondents to immediately begin reviewing the responsive emails, make any necessary redactions, and release them to the complainant on a rolling basis over the subsequent two months. The undersigned hearing officer also announced that an order for in camera inspection of any redacted or withheld responsive records would be issued, along with notice of a continued hearing.

11. After the November 25, 2024 hearing, and upon order of the hearing officer, on February 14, 2025 the respondents submitted approximately 600 pages of unredacted records for in camera inspection, along with a detailed Index to Records Submitted for In Camera Inspection (hereinafter "Index"). The respondents submitted the Index as "Respondents' Exhibit 2." Such in camera records shall be referenced hereinafter by the record reference numbers indicated in such Index.

12. It is found that, during the time period between the initial November 25, 2024 hearing and the March 31, 2025 continued hearing in the above-captioned matter, the respondents provided the complainant with approximately 85,000 pages of records responsive to the complainant's request.

13. At the March 31, 2025 continued hearing, the respondents contended that the redacted portions of the records submitted for in camera inspection were exempt from disclosure pursuant to one or more of the following statutes: §§1-210(b)(1) (preliminary drafts), 1-210(b)(10) (attorney-client privilege), 1-210(b)(5)(B) (commercial or financial information given in confidence), and 1-210(b)(8) (personal financial data required for licensure), G.S. At such hearing, the respondents offered as evidence the testimony of associate corporation counsel, who was responsible for making the redactions to the responsive records.

Preliminary Drafts (§1-210(b)(1), G.S.)

14. The respondents contended that some of the in camera records were exempt pursuant to §1-210(b)(1), G.S., which provides that disclosure shall not be required of "[p]reliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure."

15. The Connecticut Supreme Court ruled in Wilson v. Freedom of Info. Comm'n, 181 Conn. 324, 332 (1980) ("Wilson"), as follows:

> We do not think the concept of preliminary, as opposed to final, should depend upon who generates the notes or drafts, or upon whether the actual documents are subject to further alteration....
>
> Instead the term "preliminary drafts or notes" relates to advisory opinions, recommendations, and deliberations

> comprising part of the process by which government decisions and policies are formulated....
>
> ...[p]reliminary drafts or notes reflect that aspect of an agency's function that precedes formal and informal decision making. We believe that the legislature sought to protect the free and candid exchange of ideas, the uninhibited proposition and criticism of options that often precedes, and usually improves the quality of, governmental decisions. It is records of this preliminary, deliberative and predecisional process the exemption was meant to encompass.

16. The year following Wilson, the Connecticut General Assembly passed Public Act 81-431, which added to the FOI Act the language now codified in §1-210(e)(1), G.S. That provision, which narrowed the exemption for preliminary drafts or notes, provides in relevant part:

> [n]otwithstanding [§1-210(b)(1), G.S.], disclosure shall be required of:
>
> [i]nteragency or intra-agency memoranda or letters, advisory opinions, recommendations or any report comprising part of the process by which governmental decisions and policies are formulated, except disclosure shall not be required of a preliminary draft of a memorandum, prepared by a member of the staff of a public agency, which is subject to revision prior to submission to or discussion among the members of such agency.... [emphasis added].

17. In Van Norstrand v. Freedom of Info. Comm'n, 211 Conn. 339, 343 (1989) ("Van Norstrand"), the Supreme Court provided further guidance regarding "preliminary drafts." Citing the dictionary definition, the Court stated that the term "preliminary" means "something that precedes or is introductory or preparatory" and "describes something that is preceding the main discourse or business." Id. According to the Court, "[b]y using the nearly synonymous words 'preliminary' and 'draft,' the legislation makes it very evident that preparatory materials are not required to be disclosed." Id.

18. Accordingly, §§1-210(b)(1) and 1-210(e)(1), G.S., together, permit nondisclosure of records of an agency's preliminary, predecisional, deliberative process, provided that the agency has determined that the public interest in withholding the records clearly outweighs the public interest in disclosing them and, provided further, that such records are not interagency or intra-agency memoranda or letters, advisory opinions, recommendations, or reports. See Shew v. Freedom of Info. Comm'n, 245 Conn. 149, 164-166 (1998) ("Shew").

19. With regard to the "balancing test" required by §1-210(b)(1), G.S., it is well established that the responsibility for making the determination as to what is in the public interest is on the agency that maintains the records. See Van Norstrand at 345. The agency must have considered in good faith the effect of disclosure and indicated the reasons for its determination to withhold disclosure, which reasons may not be frivolous or patently unfounded. Id., citing Wilson at 339. See also People for Ethical Treatment of Animals, Inc. v. Freedom of Info. Comm'n, 321 Conn. 805, 816-817 (2016). Thus, the only determination for the Commission to make is whether the reasons for nondisclosure given by the agency are frivolous or patently unfounded. See Lewin v. Freedom of Info. Comm'n, 91 Conn. App. 521, 522-523 (2005); Coalition to Save Horsebarn Hill v. Freedom of Info. Comm'n, 73 Conn. App. 89, 99 (2002).

Records Reflecting "Prior Media Inquiry by Complainant"

20. It is found that the respondents' Index identified certain records as "[d]raft response" or "draft communications" to "prior media inquiry made by Complainant," withheld pursuant to §1-210(b)(1), G.S. Such records are referenced as STR000195 through STR000198; STR001220 through STR001225; STR0002464 through STR0002468; STR003264 through STR003273; STR003908 through STR003911; STR003994 through STR003998; STR010180 through STR010206; STR010208 through STR010234; ARR00098 through ARR00101; ARR000388 through ARR000399; ARR001002 through ARR001010; ARR001975 through ARR001982; ARR002328 through ARR002333; FOR000918 through FOR000921; SAM002089 through SAM002102; SAM002447 through SAM002467; SAM005626 though SAM005634; SAM6415 through SAM6426; SAM006842 through SAM006875; 231SAM012043 through 231SAM012056; 232SAM005338 through 232SAM005340; and 232SAM008342 through 232SAM008373. It is found that such communications reflect an ongoing email discussion between city employees in various offices (i.e., the Office of the Mayor, the Office of Corporation Counsel, and LCI) regarding possible responses to a July 7, 2023 media inquiry submitted by the complainant to the respondents.

21. Upon careful inspection of the in camera records described in paragraph 20, above, it is found that such records are records of the agency's preliminary, predecisional deliberative process within the meaning of §1-210(b)(1), G.S.

22. It is further found, however, that the respondents failed to prove that they considered in good faith whether the public interest in withholding the records referenced in paragraph 20, above, clearly outweighed the public interest in disclosing them within the meaning of §1-210(b)(1), G.S. The respondents' witness, assistant corporation counsel, did not provide any testimony regarding the respondents' performance of such balancing test, with the exception of STR000195 through STR000198 and STR001220 through STR001225. For those records, the witness merely testified that, in his assessment, because the complainant ultimately received a response to his media inquiry, the complainant was not entitled to such records reflecting emails drafting such response. It is found that such reasons for nondisclosure are frivolous.

23. It is also found that the records described in paragraph 20, above, constitute intra- or inter-agency recommendations within the meaning of §1-210(e)(1), G.S., as they reflect

recommendations from various departments within the respondent city regarding possible responses to a media inquiry.

24. With respect to the following records, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by withholding from disclosure the following in camera records described in paragraph 20, above, pursuant to §1-210(b)(1), G.S., having claimed no other exemptions in the alternative: STR0002464 through STR0002468, STR003908 through STR003911, STR003994 through STR003998, ARR001002 through ARR001010, ARR001975 through ARR001982, ARR002328 through ARR002333, FOR000918 through FOR000921, and 231SAM012043 through 231SAM012056.

25. With respect to the remaining records described in paragraph 20, it is concluded that the in camera records described in paragraph 20, above, are not exempt from disclosure pursuant to §§1-210(b)(1) and (e)(1), G.S. However, the respondents also claimed that, in the alternative, certain of such records are exempt pursuant to attorney-client privilege. See paragraphs 61-63, 82-84, 91-93, 100-102, and 103-108, below.

Records Reflecting "Communication Regarding Litigation"

26. It is found that the respondents' Index identified certain a certain record as "[p]rivileged communication regarding litigation," withheld pursuant to §1-210(b)(1), G.S. Such record is referenced as SAM003206. It is found that such communication reflects legal advice given from corporation counsel to various City of New Haven employees and other unidentified individuals.

27. Upon careful inspection of the in camera record referenced in paragraph 26, above, it is found that such record is not a record of the agency's preliminary, predecisional deliberative process within the meaning of §1-210(b)(1), G.S.

28. Consequently, it is concluded that the in camera record described in paragraph 26, above, is not exempt from disclosure pursuant to §1-210(b)(1), G.S. However, the respondents also claimed that, in the alternative, such record is exempt pursuant to attorney-client privilege. See paragraphs 82-84, below.

Records Reflecting "Hearing Officer Documentation"

29. It is found that the respondents' Index identified certain records as "[p]rivileged and draft communications involving hearing officer documentation," withheld pursuant to §1-210(b)(1), G.S. Such records are referenced as 231SAM012262 through 231SAM012282. It is found that such communications reflect an ongoing email discussion between City of New Haven employees in various offices (i.e., the Office of the Mayor, the Office of Corporation Counsel, and LCI) regarding the city's hearing officer program.

30. Upon careful inspection of the in camera records described in paragraph 29, above, it is found that such records are records of the agency's preliminary, predecisional deliberative process within the meaning of §1-210(b)(1), G.S.

31. It is further found, however, that the respondents failed to prove that they considered in good faith whether the public interest in withholding the records described in paragraph 29, above, clearly outweighed the public interest in disclosing them within the meaning of §1-210(b)(1), G.S. The respondents' witness, assistant corporation counsel, did not provide any testimony regarding the respondents' application of such balancing test.

32. It is also found that the records described in paragraph 29, above, constitute intra- or inter-agency recommendations within the meaning of §1-210(e)(1), G.S., as they reflect recommendations from various departments within the respondent city regarding the city's hearing officer program.

33. Consequently, it is concluded that the in camera records described in paragraph 29, above, are not exempt from disclosure pursuant to §§1-210(b)(1) and (e)(1), G.S. However, the respondents also claimed that, in the alternative, such records are exempt pursuant to attorney-client privilege. See paragraph 57, below.

Records Reflecting "Draft Response to Other Attorney"

34. It is found that the respondents' Index identified certain records as "[p]rivileged communication regarding draft response to other attorney," withheld pursuant to §1-210(b)(1), G.S. Such records are referenced as 231SAM008554 and 231SAM008690 through 231SAM008692. It is found that such communications reflect corporation counsel's circulation of a draft letter requesting edits from the Office of the Mayor and LCI. It is further found that a copy of such letter was not included in the in camera records submission.

35. Upon careful inspection of the in camera records described in paragraph 34, above, it is found that such records are not records of the agency's preliminary, predecisional deliberative process within the meaning of §1-210(b)(1), G.S.

36. Consequently, it is concluded that the in camera records described in paragraph 34, above, are not exempt from disclosure pursuant to §§1-210(b)(1) and (e)(1), G.S. However, the respondents also claimed that, in the alternative, such records are exempt pursuant to attorney-client privilege. See paragraphs 91-93, below.

Records Reflecting "Inquiry by Yale Daily News"

37. It is found that the respondents' Index identified certain records as "[d]raft communications regarding media inquiry made by Yale Daily News," withheld pursuant to §1-210(b)(1), G.S. Such records are referenced as 232SAM004530 through 232SAM004533. It is found that such communications reflect an ongoing email discussion between city employees in various offices (i.e., City Plan, the Office of Corporation Counsel, and LCI) regarding possible responses to a media inquiry submitted to the respondents.

38. Upon careful inspection of the in camera records described in paragraph 37, above, it is found that such records are records of the agency's preliminary, predecisional deliberative process within the meaning of §1-210(b)(1), G.S.

39. It is further found, however, that the respondents failed to prove that they considered in good faith whether the public interest in withholding the records described in paragraph 37, above, clearly outweighed the public interest in disclosing them within the meaning of §1-210(b)(1), G.S. The respondents' witness, assistant corporation counsel, did not provide any testimony regarding the respondents' application of such balancing test.

40. It is also found that the records described in paragraph 37, above, constitute intra- or inter-agency recommendations within the meaning of §1-210(e)(1), G.S., as they reflect recommendations from various departments within the respondent city regarding possible responses to a media inquiry.

41. Consequently, it is concluded that the in camera records described in paragraph 37, above, are not exempt from disclosure pursuant to §§1-210(b)(1) and (e)(1), G.S. Accordingly, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by withholding from disclosure the following in camera records pursuant to §1-210(b)(1), G.S.: 232SAM004530 through 232SAM004533.

Records Reflecting "Communications Regarding Hearing Officers"

42. It is found that the respondents' Index identified certain records as "[p]rivileged and draft communications regarding hearing officers," withheld pursuant to §1-210(b)(1), G.S. Such records are referenced as 232SAM010225 through 232SAM010231[2] and 232SAM010333 through 232SAM010345. It is found that such communications reflect emails between various City of New Haven employees regarding the city's Residential Business Licensing Program.

43. Upon careful inspection of the in camera records described in paragraph 42, above, it is found that such records are not records of the agency's preliminary, predecisional deliberative process within the meaning of §1-210(b)(1), G.S.

44. Consequently, it is concluded that the in camera records described in paragraph 42, above, are not exempt from disclosure pursuant to §1-210(b)(1), G.S. However, the respondents also claimed that, in the alternative, such records are exempt pursuant to attorney-client privilege. See paragraphs 103-105, below.

Records Regarding "Housing Code Enforcement"

45. It is found that the respondents' Index identified certain records as "[p]rivileged and draft communications regarding civil housing code enforcement," withheld pursuant to §1-210(b)(1), G.S. Such records are referenced as 232SAM010227 through 232SAM010285. It is found that such communications reflect a draft statement sent by a City of New Haven employee to the Office of Corporation Counsel for review.

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[2] The Commission notes that the respondents abandoned their §1-210(b)(1), G.S., exemption claim for 232SAM010225 to 232SAM010231 at the March 31, 2025 continued hearing.

46. Upon careful inspection of the in camera records described in paragraph 45, above, it is found that such records are records of the agency's preliminary, predecisional deliberative process within the meaning of §1-210(b)(1), G.S.

47. It is further found, however, that the respondents failed to prove that they considered in good faith whether the public interest in withholding the records described in paragraph 45, above, clearly outweighed the public interest in disclosing them within the meaning of §1-210(b)(1), G.S. The respondents' witness, assistant corporation counsel, did not provide any testimony regarding the respondents' performance of such balancing test.

48. It is also found that the records described in paragraph 45, above, constitute intra- or inter-agency recommendations within the meaning of §1-210(e)(1), G.S., as they reflect recommendations from various departments within the respondent city regarding possible responses to a media inquiry.

49. Consequently, it is concluded that the in camera records described in paragraph 45, above, are not exempt from disclosure pursuant to §§1-210(b)(1) and (e)(1), G.S. However, the respondents also claimed that, in the alternative, such records are exempt pursuant to attorney-client privilege. See paragraphs 106-108, below.

Attorney-Client Privilege (§1-210(b)(10), G.S.)

50. With respect to the records that the respondents claim are exempt pursuant to the attorney-client privilege, §1-210(b)(10), G.S., provides that disclosure is not required of "communications privileged by the attorney-client relationship." The applicability of the exemption contained in §1-210(b)(10), G.S., is governed by established Connecticut law defining the privilege. That law is well set forth in Maxwell v. Freedom of Info. Comm'n, 260 Conn. 143 (2002). In that case, the Supreme Court stated that §52-146r, G.S., which established a statutory privilege for communications between public agencies and their attorneys, merely codifies "the common-law attorney-client privilege as this court previously had defined it." Id. at 149.

51. Section 52-146r(2), G.S., defines "confidential communications" as follows:

> All oral and written communication transmitted in confidence between a public official or employee of a public agency acting in the performance of his or her duties or within the scope of his or her employment and a government attorney relating to legal advice sought by the public agency or a public official or employee of such public agency from that attorney, and all records prepared by the government attorney in furtherance of the rendition of such legal advice....

52. Our Supreme Court has stated that a four-part test must be applied to determine whether communications are privileged: "(1) the attorney must be acting in a professional capacity for the agency; (2) the communications must be made to the attorney by current employees or officials of the agency; (3) the communications must relate to the legal advice

sought by the agency from the attorney; and (4) the communications must be made in confidence." Lash v. Freedom of Info. Comm'n, 300 Conn. 511, 516 (2011) ("Lash"), citing Shew, 245 Conn. at 159. "The burden of establishing the applicability of the privilege rests with the party invoking it." Harrington v. Freedom of Info. Comm'n, 323 Conn. 1, 12 (2016) ("Harrington"). If it is clear from the face of the records, extrinsic evidence is not required to prove the existence of the attorney-client privilege." Lash, 300 Conn. at 516-17.

53. Moreover, in Connecticut, the attorney-client privilege protects both the confidential giving of professional advice by an attorney acting in the capacity of a legal advisor to those who can act on it, as well as the giving of information to the lawyer to enable counsel to give sound and informed advice....The privilege fosters full and frank communications between attorneys and their clients and thereby promote[s] the broader public interests in the observation of law and [the] administration of justice." PSE Consulting, Inc. v. Frank Mercede & Sons, Inc., 267 Conn. 279, 329-30 (2004).

54. The Supreme Court, however, has also recognized that "[n]ot every communication between attorney and client falls within the [attorney-client] privilege." Harrington, 323 Conn. at 14 (quoting Ullmann v. State, 230 Conn. 698, 713 (1994)). In Harrington, the Court held that, when an attorney provides both legal and nonlegal professional advice, communications containing such advice will be privileged "if the non-legal aspects of the consultation are integral to the legal assistance given and the legal assistance is the primary purpose of the consultation...." Harrington at 17. Under such circumstances, "it is not enough for the part invoking the privilege to show that a communication to legal counsel relayed information that might become relevant to the future rendering of legal advice. Instead, the communication must also either explicitly or implicitly seek specific legal advice about that factual information." (Citation omitted; internal quotation marks omitted.) Id. at 16. Moreover, when an attorney's primary role is that of a nonlegal professional advisor, there must be "a clear basis to conclude that information was being conveyed to [her] for the purpose of having [her] act in the role of legal advisor or that [she] was providing a legal opinion. Extrinsic evidence may undoubtedly provide context for making such an assessment." Id. at 23.

55. Moreover, it is well established that, generally, disclosure of an attorney-client privileged communication to a third party waives the privilege. See, e.g., Harp v. King, 266 Conn. 747, 767 (2003). However, "the presence of certain third parties...who are agents or employees of an attorney or client, and who are necessary to the [legal] consultation, will not destroy the confidential nature of the communication." Harrington, 323 Conn. at 25 (citations omitted).

56. It is found that the respondents waived on the record at the March 31, 2025 continued hearing their claim of exemption to disclosure pursuant to §1-210(b)(10), G.S., for the following records: DAM00243 through DAM00245; DAM000323; SAM005167; 231SAM014320; 232SAM0008989; 232SAM008990; and 232SAM008992.

57. Upon careful inspection of the in camera records, and in light of the evidence submitted at the March 31, 2025 continued hearing in this matter, it is found that except for the

records referenced in paragraphs 59 through 108, below, the communications contained in the records identified on the Index as exempt pursuant to §1-210(b)(10), G.S, satisfy the four-part test articulated by the Supreme Court in Shew. It is concluded that such records are exempt from disclosure pursuant to §1-210(b)(10), G.S., that no waiver of the attorney-client privilege occurred regarding such records, and that the respondents did not violate the FOI Act by withholding such records from the complainant.

58. It is found that the respondents' Index identified certain records as "[c]onfidential Attorney-Client Communications regarding potential legal dispute." Such records are referenced as STR006917 through STR006919; STR010124 through STR010126; and SAM001022 through SAM001036.[3] It is found that such communications reflect the respondents' plans to investigate a landlord company after receiving a complaint email from counsel for a tenant.

59. Upon careful in camera inspection, and based on the respondents' witness testimony, it is found that some of the records described in paragraph 58, above, are not confidential communications within the meaning of §§1-210(b)(10) and 52-146r(2), G.S. Specifically, under the third prong of Shew, the following records do not relate to legal advice sought by the respondents from an attorney: STR006917; STR006919; STR010126, lines 7 through 31; SAM001022, lines 24-37; SAM001023; SAM001025, lines 26-34; and SAM001026. Accordingly, it is found that such records are not communications privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

60. It is concluded, therefore, that the records referenced in paragraph 59, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such records to the complainant.

61. In addition, the respondents' Index identifies certain other records as "[d]raft response to prior media inquiry made by Complainant." Such records are referenced as ARR000388 through ARR000399. It is found that such communications reflect an ongoing email discussion between city employees in various offices (i.e., the Office of the Mayor, LCI) regarding possible responses to a July 7, 2023 media inquiry submitted by the complainant to the respondents.

62. Upon careful in camera inspection, and based on the respondents' witness testimony, it is found that the records described in paragraph 61, above, do not meet any of the four prongs of the Shew test: no attorneys are on the email chain, no legal advice is being sought by any party on the chain, and there is no evidence the communications were being given in confidence. Accordingly, it is found that such records are not communications privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

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[3] The Commission notes that the respondents likely made a scrivener's error on page 4 of the submitted Index and did not intend to note that SAM001027 through SAM001036 were submitted for in camera review as, in fact, they were not. Accordingly, such records will not be addressed herein.

63. It is concluded, therefore, that the records referenced in paragraph 61, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such records to the complainant.

64. In addition, the respondents' Index identifies certain other records as "[a]ttorney-client communications regarding civil citations." Such records are referenced as DAM0001119 through DAM0001127. It is found that such communications reflect legal questions posed by City of New Haven employees about potential enforcement of civil citations.

65. Upon careful in camera inspection, and based on the respondents' witness testimony, it is found that some of the records described in paragraph 64, above, are not confidential communications within the meaning of §§1-210(b)(10) and 52-146r(2), G.S. Specifically, under the third prong of Shew, the following records do not relate to legal advice sought by the respondents from an attorney: DAM001127. Accordingly, it is found that such records are not communications privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

66. It is concluded, therefore, that the records referenced in paragraph 65, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such records to the complainant.

67. In addition, the respondents' Index identifies certain other records as "[a]ttorney-Client communications regarding displacement." Such records are referenced as DAM000201 through DAM000206 and DAM 000211. It is found that such communications reflect email communication between City of New Haven employees and attorneys regarding a potential legal dispute over payoff liens.

68. Upon careful in camera inspection, and based on the respondents' witness testimony, it is found that some of the records described in paragraph 67, above, are not confidential communications within the meaning of §§1-210(b)(10) and 52-146r(2), G.S. Specifically, under the third prong of Shew, the following records do not relate to legal advice sought by the respondents from an attorney: DAM000206, lines 22-33, and DAM000211, lines 21-34. Accordingly, it is found that such records are not communications privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

69. It is concluded, therefore, that the records referenced in paragraph 68, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such records to the complainant.

70. In addition, the respondents' Index identifies certain other records as "[a]ttorney-Client communications regarding contract provision and deed." Such records are referenced as DAM000270. It is found that such communications reflect a city attorney requesting information from LCI in order to respond to a question posed by a third-party attorney.

71. Upon careful in camera inspection, and based on the respondents' witness testimony, it is found that the record described in paragraph 70, above, does not constitute a confidential communication within the meaning of §§1-210(b)(10) and 52-146r(2), G.S. Specifically, such

record does not satisfy three of the four prongs of the Shew test: they do not reflect communications made to an attorney by the respondents, they do not relate to legal advice sought by the respondents from an attorney, and the respondents have failed to prove they were communications made in confidence. Accordingly, it is found that such records are not communications privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

72. It is concluded, therefore, that the record referenced in paragraph 70, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such record to the complainant.

73. In addition, the respondents' Index identifies a certain record as "Attorney-Client communications involving legal opinion." Such record is referenced as DAM000331. It is found that such communication reflects emails between city attorneys discussing how to handle tenants who had been displaced by an event that made their building uninhabitable.

74. Upon careful in camera inspection, and based on the respondents' witness testimony, it is found that the record described in paragraph 73, above, does not constitute confidential communication within the meaning of §§1-210(b)(10) and 52-146r(2), G.S. Specifically, such record does not satisfy three of the four prongs of the Shew test: they do not reflect communications made to an attorney by the respondents, they do not relate to legal advice sought by the respondents from an attorney, and the respondents have failed to prove they were communications made in confidence. Accordingly, it is found that such records are not communications privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

75. It is concluded, therefore, that the record referenced in paragraph 73, above, is not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such record to the complainant.

76. In addition, the respondents' Index identifies certain other records as "Attorney-Client communications regarding pay-off distribution." Such records are referenced as DAM001407 through DAM001414, DAM001425 through DAM001427, DAM001439 through DAM001459, and DAM001482. It is found that such communications also reflect emails between city attorneys discussing how to handle displaced tenants.

77. Upon careful in camera inspection of the records described in paragraph 76, above, and based on the respondents' witness testimony, it is found that the following records are not confidential communications within the meaning of §§1-210(b)(1) and 52-146r(2), G.S.: DAM001414, lines 23-36; DAM001427, lines 21-36; DAM001442, lines 22-36; DAM001443 through DAM001446; DAM001450, lines 31-36; DAM001451 through DAM001454; DAM001459, lines 11-33; and DAM001483, lines 30-38. Such records reflect email communications to the respondents from third-party counsel, which does not satisfy the requirement in Shew that such communications be "given in confidence." Accordingly, it is found that such records are not communications privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

78. It is concluded, therefore, that the records referenced in paragraph 77, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such records to the complainant.

79. In addition, the respondents' Index identifies certain other records as "Attorney-Client communications regarding property survey dispute." Such records are referenced as DAM001585 through DAM001589 and DAM003248 through DAM003260. It is found that such communications reflect email discussions between various city employees regarding the investigation of boundary lines at a specified property.

80. Upon careful in camera inspection, and based on the respondents' witness testimony, it is found that the records described in paragraph 79, above, do not constitute confidential communications within the meaning of §§1-210(b)(10) and 52-146r(2), G.S. Such records do not satisfy the four prongs of the Shew test. Specifically, such records do not reflect a request for legal advice by the respondents but rather a discussion of logistics of a property line investigation. Furthermore, certain pages of such records reflect email correspondence received by the respondents from outside third-party counsel: DAM1589, DAM3250, DAM3251, DAM 3254, DAM3256, DAM3258, and DAM3260. Additionally, the respondents' witness could not identify the job title of two city employees on records designated at DAM1586 through DAM1588. Lastly, none of the emails described in paragraph 79, above, were designated as "confidential." Accordingly, it is found that such records are not confidential communications within the meaning of §§1-210(b)(10) and 52-146r(2), G.S.

81. It is concluded, therefore, that the records referenced in paragraph 79, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such records to the complainant.

82. In addition, the respondents' Index identifies a certain record as "[p]rivileged communication regarding litigation." Such record is referenced as SAM003206. It is found that such communication reflects unsolicited legal advice provided by corporation counsel to various City of New Haven employees.

83. Upon careful in camera inspection of such record described in paragraph 82, above, and based upon the respondents' witness testimony, it is found that the respondents failed to prove that such record is a confidential communication within the meaning of §§1-210(b)(10) and 52-146r(2), G.S. At the March 31, 2025 continued hearing, the respondents' witness failed to identify four recipients named in the email. Therefore, it is found that the respondents failed to prove that such record had been "given in confidence" as required under Shew. Accordingly, it is found that such record is not a communication privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

84. It is concluded, therefore, that the record described in paragraph 82, above, is not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such record to the complainant.

85. In addition, the respondents' Index identifies certain other records as "[p]rivileged communications regarding property liens." Such records are referenced as SAM003539 through SAM003541. It is found that such communications reflect discussions between city attorneys regarding a pending city transaction.

86. Upon careful in camera inspection, and based on the respondents' witness testimony, it is found that the following record described in paragraph 85, above, is not a confidential communication within the meaning of §§1-210(b)(10) and 52-146r(2), G.S.: SAM003541, lines 26-33. Such record reflects email communications received by the respondents from third-party counsel. which does not satisfy the requirement in Shew that such communications be "given in confidence." Accordingly, it is found that such record is not a communication privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

87. It is concluded, therefore, that the record referenced in paragraph 86, above, is not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such record to the complainant.

88. In addition, the respondents' Index identifies certain other records as "[p]rivileged communications regarding hearing officer documentation." Such records are referenced as 231SAM011017 through 231SAM011024 and 231SAM012067 through 231SAM012069. It is found that such communications reflect email discussions by City of New Haven attorneys and employees regarding the city's hearing officer program.

89. Upon careful in camera inspection, and based on the respondents' witness testimony, it is found that the following records described in paragraph 88, above, are not confidential communications within the meaning of §§1-210(b)(10) and 52-146r(2), G.S.: 231SAM0011024, lines 18-29; and 231SAM012069, lines 12-23. Such records consist of email communications received by the respondents from the complainant. Accordingly, it is found that such records are not communications privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

90. It is concluded, therefore, that the records referenced in paragraph 89, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such records to the complainant.

91. It is also found that the respondents' Index identified certain records as "[p]rivileged communication regarding draft response to other attorney," withheld pursuant to §1-210(b)(1), G.S., and in the alternative §1-210(b)(10), G.S. Such records are referenced as 231SAM008554 and 231SAM008690 through 231SAM008692. It is found that such communications reflect corporation counsel circulation of a draft letter requesting edits from the Office of the Mayor and LCI. It is further found that a copy of such letter was not included in the in camera records submission.

92. Upon careful in camera inspection, and based upon the respondents' witness testimony, it is found that the records described in paragraph 91, above, do not meet the four-prong test in Shew. Specifically, the purpose of the communications contained within such

records is to solicit from city employees in LCI, the Office of the Mayor, and the Office of Corporation Counsel feedback to a draft response written by corporation counsel to a third-party attorney. Because such draft response is not attached to the submitted in camera records, and the responses solicited from city employees indicate mere approval without revealing the draft's contents, such communications cannot be considered solicitation of legal advice. Accordingly, it is found that such records are not communications privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

93. It is concluded, therefore, that the records referenced in paragraph 91, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such records to the complainant.

94. In addition, the respondents' Index identifies certain other records as "[p]rivileged communications regarding prevention of identification of LCI employee." Such records are referenced as 232SAM001521 through 232SAM001525. It is found that such communications reflect city employee communications regarding a bankruptcy at a certain address (232SAM001521) and domestic safety concerns regarding a rental assistance recipient (232SAM001522 through 232SAM001525).

95. Upon careful in camera inspection, and based on the respondents' witness testimony, it is found that the following record described in paragraph 94, above, is not a confidential communication within the meaning of §§1-210(b)(10) and 52-146r(2), G.S.: 232SAM001521. Specifically, it is found that such record does not contain correspondence seeking legal advice from an attorney, as there are no attorneys participating in such email exchange. Accordingly, it is found that such record is a communication privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

96. It is concluded, therefore, that the record referenced in paragraph 95, above, is not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such records to the complainant.

97. In addition, the respondents' Index identifies certain other records as "[p]rivileged communications regarding lawsuit involving police." Such records are referenced as 232SAM004549 and 232SAM004550. It is found that such communications reflect discussions between employees in the Office of Corporation Counsel and LCI regarding alleged police misconduct.

98. Upon careful in camera inspection, and based on the respondents' witness testimony, it is found that the following record described in paragraph 97, above, does not meet the four-part Shew test: 232SAM004550. Specifically, such record reflects a discussion between corporation counsel and two city employees whom the respondents' witness failed to identify in his testimony at the March 31, 2025 continued hearing. Furthermore, such discussion did not contain the solicitation or bestowing of legal advice but rather reflected an inquiry between such individuals about whether the respondent city had been served a lawsuit. Accordingly, it is found that such record is not a confidential communication within the meaning of §§1-210(b)(10) and 52-146r(2), G.S.

99. It is concluded, therefore, that the record referenced in paragraph 98, above, is not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such record to the complainant.

100. It is also found that the respondents' Index identified certain records as "[d]raft and privileged communications regarding prior media inquiry made by [c]omplainant," withheld pursuant to §1-210(b)(1), and in the alternative, §1-210(b)(10), G.S. Such records are referenced as 232SAM008342 through 232SAM008373. It is found that such communications reflect an ongoing email discussion between city employees in various offices (i.e., the Office of the Mayor, the Office of Corporation Counsel, and LCI) regarding possible responses to a July 7, 2023 media inquiry submitted by the complainant to the respondents.

101. Upon careful in camera review, and based upon the respondents' witness testimony, it is found that the following records referenced in paragraph 100, above, do not meet the four-part Shew test: 232SAM008346 through 232SAM008348; 232SAM008352, lines 27-35; 232SAM008353; 232SAM008354; 232SAM008361 through 232SAM8363; 232SAM008369; 232SAM008370; 232SAM008372, lines 25-31; and 232SAM008373. It is found that such records reflect email correspondence to the respondents from a member of the media. Accordingly, it is found that such records are not communications privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

102. It is concluded, therefore, that the records referenced in paragraph 101, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such records to the complainant.

103. It is also found that the respondents' Index identified certain records as "[p]rivileged and draft communications regarding hearing officers," withheld pursuant to §1-210(b)(1), and in the alternative, §1-210(b)(10) G.S., and "[p]rivileged communications regarding hearing officers," withheld pursuant to §1-210(b)(10), G.S. Such records are referenced as 232SAM010225 through 232SAM010231, 232SAM010333 through 232SAM010345, and 232SAM011785 through 232SAM011789. It is found that such communications consist of emails between various City of New Haven employees regarding the city's hearing officer program.

104. Upon careful in camera inspection, and based upon the respondents' witness testimony, it is found that the following records described in paragraph 103, above do not meet the four-part test in Shew: 232SAM010231, 232SAM010339, 232SAM010345, 232SAM011787, and 232SAM011789, lines 22-33. Specifically, such records do not reflect the confidential solicitation of legal advice by the respondents but rather reflect an email submitted to the respondents by a member of the media. Accordingly, it is found that such records are not communications privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

105. It is concluded, therefore, that the records referenced in paragraph 104, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such records to the complainant.

106. Additionally, it is found that the respondents' Index identified certain records as "[p]rivileged and draft communications regarding civil housing code enforcement," withheld pursuant to §1-210(b)(1), and in the alternative, §1-210(b)(10), G.S. Such records are referenced as 232SAM010277 through 232SAM010285. It is found that such communications reflect assistant corporation counsel's solicitation of the Office of the Mayor and LCI for feedback to a draft statement. The draft statement and various revisions to such statement are contained within such records.

107. Upon careful in camera review, and based upon the respondents' witness testimony, it is found that the following records described in paragraph 106, above do not meet the four-part test in Shew: 232SAM010282, lines 12-33; and 232SAM0102863 through 232SAM010285. Specifically, such records reflect an email to the respondents from a member of the media (232SAM010282, lines 12-33) and an email from assistant corporation counsel to the Office of the Chief State's Attorney. Accordingly, it is found that such records are not communications privileged by the attorney-client relationship within the meaning of §1-210(b)(10), G.S.

108. It is concluded, therefore, that the records referenced in paragraph 107, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such records to the complainant.

Commercial or Financial Information (§1-210(b)(5)(B), G.S.)

109. With regard to the respondents' third claim of exemption, §1-210(b)(5)(B), G.S., provides that disclosure is not required of "[c]ommercial or financial information given in confidence, not required by statute." The respondents contend that this exemption to disclosure applies to records referenced as 23SAM1003916, 23SAM1003917, 232SAM005411, 231SAM005417, and 231SAM005424. It is found that such records contain the account and wiring numbers for the respondent City's General Fund.

110. This Commission and the courts have concluded that §1-210(b)(5)(B), G.S., consists of three elements, which must all be proven for the exemption to apply: (1) commercial or financial information; (2) given in confidence; and (3) not required by statute. See, e.g., Craven, et al. v. Governor, State of Connecticut, et al., Docket #FIC 2011-152 (Mar. 14, 2012); McCoy v. Freedom of Info. Comm'n, No. HHB-CV-21-6069278, 2022 WL 3712638, at *4 (Conn. Super. Ct. Aug. 26, 2022).

111. With regard to the first element, it is found that the FOI Act does not define "commercial" or "financial" information. However, the Connecticut Supreme Court has recognized that, "[a]lthough our Freedom of Information Act does not derive from any model act or the federal Freedom of Information Act, other similar acts, because they are in pari materia,[4] are interpretatively helpful, especially in understanding the necessary accommodation of the competing interests involved." Wilson v. Freedom of Info. Comm'n, 181 Conn. 324, 333 (1980).

[4] In pari materia: "on the same subject; relating to the same matter." Black's Law Dictionary, 8th Ed. (1994).

112. "Commercial" and "financial," as used in the federal FOI Act, 5 U.S.C 552, have been given their ordinary meanings. See Watkins v. U.S. Bureau of Customs & Border Prot., 643 F.3d 1189, 1194 (9th Cir. 2011); Pub. Citizen Health Rsch. Grp. V. Food & Drug Admin., 704 F.2d 1280, 1290 (D.C. Cir. 1983).

113. It is found that, with regard to the first element of the exemption, the records described in paragraph 109, above, contain financial information.

114. With regard to the second element of the exemption, the Connecticut Appellate Court in Allco Renewable Energy Limited v. Freedom of Info. Comm'n, 205 Conn. App. 144 (2021), affirmed the Commission's interpretation of the phrase "given in confidence" as used in §1-210(b)(5)(B), G.S. In that case, the Commission concluded, and the court agreed, that "given in confidence" within the meaning of §1-210(b)(5)(B), G.S., requires an intent to give information in confidence, based on context or inference, such as where there is an express or implied assurance of confidentiality, where the information is not available to the public from any other source or where the information is such that it would not customarily be disclosed by the person who provided it.

115. It is found that, with regard to the second element of the exemption, the records described in paragraph 109, above, contain evidence that the financial information contained therein is given by city employees to a city attorney in confidence. Given that the city attorney had to inquire with certain city employees to confirm the accuracy of such financial information contained in the records described in paragraph 109, above, it is found that such information is not otherwise available to the public.

116. With respect to the third element of the exemption, "required by statute," it is found that such phrase is not defined in the FOI Act. However, in the construction of statutes, words and phrases must be construed according to the commonly approved usage. See §1-1(a), G.S., (entitled "Words and phrases. Construction of statutes.").

117. The term "require" is defined, in relevant part as: "to demand as necessary or essential (as on general principles or in order to comply with or satisfy some regulation)...." Webster's Third New International Dictionary, Unabridged (1993), and "to direct, order, demand, instruct, command, claim, compel, request, need, exact." Black's Law Dictionary 1172 (5th Ed., 1979). See also Lewis v. Connecticut Gaming Policy Bd., 224 Conn. 693, 706 (1993) (holding that the phrase "required by statute" "in §4-166(2) [,G.S.], if construed to its commonly approved usage, can only mean that before a proceeding qualifies as a contested case, an agency must be obligated by an act promulgated by the legislature to determine the legal rights, duties or privileges of a party."); Freedom of Info. Comm'n Advisory Opinion #69 (the FOI Commission opined that "in the absence of any express legal authority that would enable successors to compel disclosure of the information at issue...such information, when given to assessors, is 'not required by statute'...."); Freedom of Info. Comm'n Advisory Opinion #82 (the Commission opined that "statutes [did] not require the submission of the cost of acquisition data at issue. Rather, they merely authorize[d] the Secretary of OPM to prescribe forms, or mandate documentation, that may require such data.").

118. With regard to the third element of this exemption, it is found that the respondents' witness offered no evidence to prove that the information contained in paragraph 109, above, was "not required by statute" within the meaning of §1-210(b)(5)(B), G.S. Based upon careful in camera inspection of the records described in paragraph 109, above, and the respondent witness's testimony, it is found that the respondents failed to prove that the information therein was not required by statute within the meaning of §1-210(b)(5)(B), G.S.

119. Consequently, it is found that the respondents failed to prove that the in camera records described in paragraph 109, above, are exempt from disclosure pursuant to §1-210(b)(5)(B), G.S.

120. It is therefore concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., when they declined to provide a copy of the in camera records described in paragraph 109, above, to the complainant.

Financial Information for Licensure Application (§1-210(b)(8), G.S.)

121. Section 1-210(b)(8), G.S., permits the nondisclosure of "statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish his personal qualification for the license, certificate or permit applied for."

122. The respondents' Index identifies certain records as a "Statement of private financial information" or "Statement of financial and other personal information" for purposes of "getting Castle program license," "required for Castle Program," or "required for licensing program." Such records are referenced as ARR000787 through ARR000791, ARR00121 through ARR001230, and ARR001794 through ARR001806. It is found that such communications contain, inter alia, the names and addresses, social security numbers, and paycheck information of applicants to the Castle Program and another unidentified program.

123. Upon careful in camera inspection, and based on the respondents' witness testimony, it is found that the records described in paragraph 122, above, do not constitute statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish the applicant's personal qualification for a license, certificate or permit applied for, within the meaning of §1-210(b)(8), G.S. It is found that, at the March 31, 2025 continued hearing, the respondents' witness did not provide evidence as to whether the Castle Program or other unnamed program described in paragraph 122, above, offered licensure to applicants.

124. It is concluded, therefore, that the records referenced in paragraph 122, above, are not exempt from disclosure pursuant to §1-210(b)(8), G.S., and that the respondents violated §§1-210(a) and 1-212(a), G.S., by not providing such records to the complainant.

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

1. Forthwith, the respondents shall provide to the complainant, free of charge, a copy of the records described in the following paragraphs of the findings, above: paragraphs 24, 41, 59, 61, 65, 68, 70, 73, 77, 79, 82, 86, 89, 91, 95, 98, 101, 104, 107, 109, and 122.

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

Approved by Order of the Freedom of Information Commission at its regular meeting of May 28, 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:

THOMAS BIRMINGHAM, 169 Alden Avenue, New Haven, CT 06515

EXECUTIVE DIRECTOR, LIVABLE CITY INITIATIVE, CITY OF NEW HAVEN; **LIVABLE CITY INITIATIVE, CITY OF NEW HAVEN**; **AND CITY OF NEW HAVEN**, c/o Attorney Jonathan M. Bedosky and Attorney Sinclair Williams, Office of the Corporation Counsel, City of New Haven, 165 Church Street, 4th Floor, New Haven, CT 06510

Jennifer M. Mayo
Acting Clerk of the Commission

FIC 2024-0326/FD/JMM/May 28, 2025