

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Mark Wozar,

Complainant

against

Docket #FIC 2024-0839

Chief, Police Department, Town of West
Hartford; Police Department, Town of
West Hartford; and Town of West
Hartford,

Respondents

November 19, 2025

The above-captioned matter was heard as a contested case on June 27, 2025 and August 15, 2025, at which times the complainant and respondents appeared and presented testimony, exhibits and argument on the complaint.

By order of the Hearing Officer dated September 3, 2025, the respondents submitted an Affidavit of Andrew Glass, dated September 11, 2025. Such affidavit shall be marked as Respondents' Exhibit 3 (after-filed).

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 on December 9, 2024, the complainant requested from the respondents:
 - a. "All documents and communications sent to, received from, or relating to the arrest/trespass of Mark Wozar[;]" and
 - b. "All documents and communication [sic] sent to or received from the West Hartford Police Department Committee or any of its employees."

The complainant also requested that “[a]ll documents be in electronic text format and/or pdf.”¹

3. It is found that the complainant sent his December 9 request described in paragraph 2, above, with the following subject line: “Request for emails relating to trespass of federal property.”

4. It is found that the respondents acknowledged the complainant’s December 9 request that same day, informed him that there was no entity called the “West Hartford Police Committee,” and asked him if he was referring to another entity/division within the West Hartford Police Department (“WHPD”). Shortly thereafter, the complainant directed the respondents to “[p]lease strike the word committee and proceed.”

5. By complaint dated December 16, 2024, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information Act by, *inter alia*, failing to provide all records responsive to his December 9 request described in paragraph 2, above.²

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 section

¹ In his December 9, 2024 request described in paragraph 2, above, the complainant provided the following statement as “background”:

Per 2400007340, LT ANTHONY MIELE, produced a supplemental report, which is shown below; this report referenced my arrest and trespass. As the charges were dropped and the trespass lifted, I am seeking all information on this matter via FOIA. As LT MIELE, states, in part – at the penultimate line of the substantive text, “sent a PD wide email making notification of the revocation of the warning to all PD employees.”

² At several points throughout the hearings in this matter, the complainant indicated that he was also alleging that the respondents *should have* created certain records (e.g., body camera footage or a statement explaining the absence of body camera footage) but did not. It is well established that the Commission may only order the disclosure of records that *existed at the time a request is made*. See Docket #FIC 2024-0192, Alyssa Peterson v. Office of the Corporation Counsel, City of Hartford et al. (August 14, 2024) (“[i]t is well settled that respondents are only obligated to provide prompt access to records that exist at the time of the complainant’s request.”). Moreover, the Commission has no authority to compel the respondents to answer the complainant’s questions, and nothing in the FOI Act requires the respondents to create records. Albright-Lazzari v. Murphy, No. CV105014984S, 2011 WL 1886878, at *3 (Super. Ct. Apr. 21, 2011). Finally, as the respondents’ disclosure obligations under the FOI Act extend only to those records which they maintained at the time of the complainant’s request, the Commission lacks jurisdiction to consider whether the respondents acted properly with respect to the creation of a public record. See Docket #FIC 2022-0598, Jon Schoenhorn v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection et al. (“[N]othing in the FOI Act . . . suggests that the respondents’ failure to comply with such policy constitutes a violation of the FOI Act.”); see also §1-210(a), G.S. (“[A]ll 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.”) (Emphasis added.) Accordingly, the Commission limits its review of this matter to only those records which the respondents maintained at the time of the complainant’s request described in paragraph 2, above.

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 that:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

8. 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.”

9. It is concluded that the requested records as described in paragraph 2, above, 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.

10. It is found that on January 28, 2025, the following occurred:

- a. At 11:57am, the respondents sent to the complainant, via email, 201 pages of records responsive to his December 9 request. It is further found that the respondents informed the complainant that the records attached thereto constituted all records responsive to his request.
- b. At 12:13pm, the complainant replied to the respondents stating “[t]hank you for the initial but incomplete response. I look forward to getting the email referenced by LT Miele and internals that I am not familiar with. Please provide ASAP.”
- c. At 12:40pm, the respondents replied to the complainant referring him to page 85 of the records they had provided to him and asked if this was the email to which he was referring.
- d. At 1:25pm, the complainant indicated “[t]hat is one of the emails; where are the rest?”

11. It is found that on January 29, 2025, the respondents asked the complainant to clarify his request, to which the complainant later responded indicating that he was seeking:

- a. unedited audio/video files from his interactions with the respondents;

- b. “all training records to show that your officers in their interactions with me knew that they should not have ‘paused’/shut off their body cameras[;]”
- c. “a copy of the MOU between WHPD and DHS allowing them to come onto federal property armed for a misdemeanor arrest[;]” and
- d. “documentation that the camera in the WHPD lobby was fixed as I was threatened by USPS persons.”

12. It is found that the respondents provided the 201 pages of records (i.e., those described in paragraph 10, above), in an “archived” format, which included 47 embedded attachments.

13. At the August 15, 2025 hearing on this matter, the complainant testified, and it is found, that he could not access the embedded attachments. Specifically, the complainant indicated that what he received were, in essence, non-searchable images in the form of a PDF.

14. While the exact cause of the technical issues experienced by the complainant in accessing the embedded attachments is not clear³, it is found that the respondents were not aware that the complainant was unable to access the embedded attachments until the August 15 hearing.

15. The respondents testified, and it is found, that they interpreted the complainant’s December 9 request described in paragraph 2, above, as solely pertaining to emails relating to the complainant’s arrest. It is found that the respondents’ basis for such interpretation stems from the subject line of the December 9 request which, as found in paragraph 3, above, stated “Request for emails relating to trespass of federal property.”

16. It is found that, up until his January 29 correspondence described in paragraph 11, above, the complainant’s correspondence regarding his December 9 request centered around a request for emails.⁴ Additionally, as found in paragraph 3, above, the complainant specifically indicated the his request was a “request for emails” in the subject line of his December 9 request.

17. It is found, therefore, that the respondents reasonably interpreted the complainant’s request described in paragraph 2, above, to be limited to emails.⁵ It is further found that the

³ At the August 15, 2025 hearing, it appeared that the cause of the issue stemmed from the respondents’ use of an “archived PDF.” It appeared that the “archived PDF” was a PDF Portfolio, which may have compatibility issues unless accessed through Adobe Acrobat or Reader. See ADOBE, Overview of PDF Portfolios, <https://helpx.adobe.com/acrobat/using/overview-pdf-portfolios.html> (last accessed November 6, 2025) (“To view the contents of the PDF Portfolio, download the file and open it with Acrobat or Reader. If you try to open the file in a web browser, email app (like Outlook), or another PDF viewer, you might see a ‘Get Adobe Reader’ message.”) However, upon reviewing the testimony of the parties it appears that the issue may have stemmed from whether records were provided in a compressed format (e.g., a zipped file).

⁴ The Commission notes that the complainant has two other matters pending before the Commission wherein he requested other records. Such requests, however, are not at issue in this matter.

⁵ At the June 27, 2025 hearing in this matter, the complainant conceded that for video, audio and other media files to be responsive to his December 9 request described in paragraph 2, above, such files would have to be included with

complainant's January 29 correspondence "clarifying" his December 9 request, far exceeded the scope of his original request and, in any event, occurred after he filed his complaint with the Commission.

18. It is found that the respondents conducted a search for responsive records by working with their Information Technology ("I.T.") Department to search for emails responsive to the complainant's request. The respondents testified, and it is found, that the respondents' I.T. Department was the sole repository wherein responsive emails were stored.

19. The complainant asserted, however, that he should have received more responsive records showing correspondence with, and the transmission of files to, the State's Attorney's Office.

20. It is found that the respondents receive requests for documents or files from the State's Attorney's Office either through email or in-person directly to the court officer.⁶ It is found that even though such requests may be made by email, any requested documents or files are hand delivered to, or picked up by, the State's Attorney making such request.⁷

21. It is found that the respondents conducted a thorough and diligent search for emails responsive to the complainant's December 9 request. It is further found that the respondents did not redact or withhold any email (or attachment) that would have been responsive to the complainant's request.

22. Accordingly, it is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

23. Although there were technical difficulties with the complainant being able to access the embedded attachments in the emails provided to him on January 28, 2025, it is found that the respondents: (i) were unaware of such issues until the August 15 hearing; and (ii) acted in a prompt manner to send the complainant an accessible version of the records once the issue was identified.⁸

a correspondence. Since, as found in paragraph 17, above, the respondents reasonably interpreted such request to be solely for emails, it is found that video, audio, or other media files would only be responsive if they were attached to (or embedded in) an email that was otherwise responsive to the request.

⁶It is found that as used by the respondents, "court officer" refers to a police officer employed by the respondent WHPD who is tasked with being present at a particular courthouse whenever the respondents have business there.

⁷As found in paragraph 17, above, the respondents reasonably interpreted the complainant's December 9 request as solely pertaining to emails; however, the respondents testified, and it is found, that they do not keep a log of records or files transferred to the State's Attorney's Office.

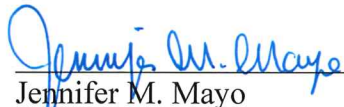
⁸ Although at the August 15, 2025 hearing, the complainant appeared to be willing to accept the accessible version of records through a sharable link (specifically to Microsoft OneDrive), the Hearing Officer left the exact method of transmission up to the parties. In the attachments to Respondents' Exhibit 3 (after filed), it appears that the complainant refused to accept the records through a OneDrive link. When the respondents offered to send the records through a USB flash drive, the complainant demanded they send it to the Commission for him to pick up. As the respondents cc'd the Commission on the email containing the OneDrive link, the complainant submitted a records request to the Commission for such records to be produced on a USB flash drive. The Commission complied with such request on September 9, 2025.

24. Accordingly, it is concluded that the respondents did not violate the promptness provisions of §§1-210(a) or 1-212(a), G.S.

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

1. The complaint is dismissed.
2. The Commission notes that the complainant's behavior throughout the proceedings in this matter was disrespectful and lacked decorum. The complainant's outbursts and erratic behavior caused significant delays in the adjudication of his complaint. The complainant is cautioned that in accordance with §§1-206(b)(3)(C) and 1-206(b)(3)(D), G.S., the Commission may consider the nature, content and language of verbal communications made to any official of any agency by the person(s) taking an appeal to the Commission and/or a history of disruption of the Commission's administrative process in declining to schedule a future contested case hearing.

Approved by Order of the Freedom of Information Commission at its regular meeting of November 19, 2025.



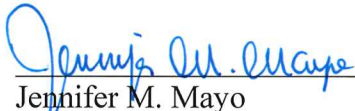
Jennifer M. Mayo
Acting Clerk of the Commission

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:

MARK WOZAR, 1250 Farmington Avenue, A17, West Hartford, CT 06107

CHIEF, POLICE DEPARTMENT, TOWN OF WEST HARTFORD; POLICE DEPARTMENT, TOWN OF WEST HARTFORD; AND TOWN OF WEST HARTFORD,
c/o Attorney Andrew J. Glass, Karsten & Tallberg, LLC, 500 Enterprise Dr., Suite 4B, Rocky Hill, CT 06067



Jennifer M. Mayo
Acting Clerk of the Commission