

STATE OF CONNECTICUT  
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Tim Howard,

Complainant

against

Docket # FIC 2024-0578

Town Manager, Town of Hebron; and Town  
of Hebron,

Respondents

September 10, 2025

The above-captioned matter was heard as a contested case on March 4, 2025, June 24, 2025, and August 8, 2025, at which times the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.<sup>1</sup>

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 August 1, 2024, the complainant requested that the respondent Town Manager provide him with copies of records, free of charge, as follows:

I am requesting copies of public records related to the Friends of Douglas Library of Hebron. This includes any and all correspondence between the library director or staff, any and all of the Douglas Library Board of Trustees, anyone in the Town Manager's office, the Town Attorney's Office, and the Board of Selectmen, that may mention the Library and/or the Friends of the Douglas Library (including any abbreviations such as FOL, FOFD, Friends, etc., or myself) for the past 18 months. Since it is known that the library director has used a personal email account during her work hours, while at the library, to send a formal complaint letter related to the Friends of the Library, I expect that this public records request will include any and all records from the library director or staff, any town employee and/or any board member's personal or work email accounts.

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<sup>1</sup> The Commission notes that during the June 24, 2025, hearing in this matter, the Commission's recording equipment malfunctioned. Consequently, the hearing was continued to the August 8, 2025, hearing date.

(“August 1, 2024 request”).<sup>2</sup>

3. It is found that, by email dated August 5, 2024, the respondent Town Manager acknowledged the August 1, 2024 request. It is also found that he construed the complainant’s request as broad, notified the complainant that it could take several months to comply, and therefore invited the complainant to narrow the scope of his request.

4. It is found that, in response, by email dated August 5, 2024, the complainant narrowed his request to the respondents to provide “what is readily available since January 1 [2024].”<sup>3</sup>

5. It is found that, by email dated August 8, 2024, the respondent Town Manager provided the complainant with approximately 113 pages of responsive records, free of charge. It is found that such records were deemed “readily available” by the respondents because such records had already been provided to a journalist who had previously made a similar request for records to the respondent Town Manager.

6. It is found that in the August 8, 2024 email, the respondent Town Manager also notified the complainant that: his office contacted the departments and boards identified in the August 1, 2024 request; he requested they conduct a search of their own records (including personal email accounts and text messages); and they should provide copies of all responsive records to him for provision to the complainant.

7. It is found that in the August 8, 2024 email, the respondent Town Manager also notified the complainant that “[d]ue to the volume of communications between our Library staff, both current and past, [the] IT [(information technology)] vendor will need to be involved in order to copy from the server and [it] may take months to perform and at a cost that will be the responsibility of the [complainant].” It is also found that the respondent Town Manager again invited the complainant to further narrow the scope of his request.<sup>4</sup>

8. It is found that in the weeks following the respondent Town Manager’s August 8, 2024 email to the complainant, described in paragraphs 5 through 7, above, the complainant and the Town Attorney also discussed the August 1, 2024 request.

9. It is found that, by email dated August 27, 2024, the Town Attorney memorialized the discussion referenced in paragraph 8, above. It is found that the Town Attorney notified the complainant that the IT vendor needed to perform searches on the “town email database”, and that the IT vendor, following review of the August 1, 2024 request, estimated that the cost for

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<sup>2</sup> The Commission notes that although the August 1, 2024 request was also addressed to the Chairman of the Board of Selectmen, the complainant did not deliver a copy of such letter to the Chairman.

<sup>3</sup> In his August 5, 2024, email, the complainant also posed a series of questions to the respondents. However, it is well settled that nothing in the FOI Act requires a public agency to answer questions, and that the Commission has no authority to compel public agencies to answer a requester’s questions. *Albright-Lazzari v. Murphy*, No. CV105014984S, 2011 WL 1886878, at \*3 (Conn. Super. Ct. Apr. 21, 2011).

<sup>4</sup> Throughout the proceedings in this matter, the parties also referred to the IT vendor as an IT consultant. However, based on the testimony of the respondent Town Manager, described in paragraph 36, below, such person shall be referred to by the Commission as the “IT vendor.”

services was over \$900. It is also found that the Town Attorney then invited the complainant to narrow the scope of his request.

10. It is found that, by email dated September 19, 2024, the complainant did not narrow the scope of his request, but instead expanded the scope of such request as follows:

- (a) All of the records described in the August 1, 2024, request, for the additional dates of August 1, 2024, through September 19, 2024;
- (b) Records regarding “the FOIA issues the town is having which led to the recent ‘All Boards meeting’”; and
- (c) The “full Trustees meeting packets.”

(“September 19, 2024 request”).

11. It is also found that the complainant disputed the respondents’ determination that they needed to utilize the IT vendor to comply with his requests, and further stated that he was “not authorizing a search that might cost \$900....”

12. It is found that, by email dated September 24, 2024, the Town Attorney acknowledged receipt of the complainant’s September 19, 2024 request to the respondent Town Manager, and informed the complainant that compliance with such request would also require the services of the IT vendor, writing: “[t]he town can get an updated quote to encompass the time period of your prior request and the extended time period requested ... if [the complainant] would like that search undertaken.”

13. It is also found that the Town Attorney reiterated in the September 24, 2024 email that all employees and officials that were the subject of the August 1, 2024 request were given a copy of the request and asked to provide the respondent Town Manager with responsive records, including any contained in a personal email or text message account, and that, with the exception of the Library Director (who maintained emails on her personal email account), all other persons confirmed that they did not have any responsive records on their personal email or text message accounts.

14. With respect to the request for records pertaining to the “All Boards meeting”, described in paragraph 10(b), above, it is found that in the September 24, 2024 email, the Town Attorney explained that such meeting was scheduled annually, ordinarily included a presentation regarding FOI Act related topics, and that it was not scheduled in response to the August 1, 2024 request. It is found that the Town Attorney notified the complainant that there were no records responsive to the request described in paragraph 10(b), above. It is found that, nevertheless, the respondents provided the complainant with a copy of the email invitation and agenda for the meeting. It is also found, based on the testimony of the respondent Town Manager, that all records responsive to the request described in paragraph 10(c), above, were provided to the complainant.

15. By complaint filed September 20, 2024, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request for copies of all of the records responsive to the August 1, 2024 request, and disputing the \$900 fee that the respondents sought to charge for the IT vendor’s services.

16. By email dated September 26, 2024, the complainant filed an addendum to his complaint. In the addendum, the complainant alleged that the respondents denied his request for copies of all of the records responsive to the September 19, 2024 request.

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

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

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

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

19. 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.”

20. It is concluded that the records described in paragraphs 2 and 10, above, to the extent such records exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

21. At the hearing and in their post-hearing brief, the respondents contended that they complied with the complainant’s August 1, 2024 and September 19, 2024 requests for records as required by the FOI Act, and therefore, the complaint should be dismissed. The complainant disputed this contention.

**The respondent Town Manager’s duty to obtain and provide records maintained by agencies and officials of the Town of Hebron other than the Town Manager and his office**

22. At the hearing and in their post-hearing brief, the respondents argued, in reliance on *Lash v. Freedom of Info. Comm’n*, 116 Conn. App. 171 (2009), *aff’d in part, rev’d in part*, 300

Conn. 511 (2011) (“*Lash*”), that they had no duty to obtain and provide records maintained by agencies and officials of the Town of Hebron other than those records maintained by the respondent Town Manager and his office.

23. In *Lash*, the Appellate Court considered whether the First Selectman had a duty to inquire of the town law department as to whether it had possession of any documents that would be responsive to the records request at issue therein. *Id.*, 186. There, the records of the law department were not kept on file by or in the custody of the first selectman's office but, rather, were maintained by the law department itself. *Id.*, 187. The Appellate Court concluded that, “as distinct agencies, [the First Selectman] ha[d] no duty to maintain or make available the records of the law department, just as the law department ha[d] no duty to maintain or disclose the records of the first selectman.” *Id.*

24. With respect to the present matter, it is found that the respondent Town Manager does not maintain the records of the Library, Library Director and Library staff, Board of Selectmen, Board of Trustees, or Town Attorney.

25. It is found that, while the respondent Town Manager reached out to the other agencies referenced in the August 1, 2024 request, and thereafter facilitated the provision of some of those agencies’ responsive records to the complainant, he did so as a courtesy and was under no legal obligation to do so.<sup>5</sup>

26. It is therefore concluded, under the facts of this case, and in accordance with *Lash*, that the respondents did not violate the provisions of §§1-210(a) and 1-212(a), G.S., with respect to records that exist and are maintained by the Library, Library Director and Library staff, Board of Selectmen, Board of Trustees, and Town Attorney.<sup>6</sup>

27. Furthermore, and consistent with the foregoing findings and conclusions, the Commission need not address the issue of whether the fee for IT vendor services, described in paragraphs 7, 9, and 12, above, can be passed to the complainant for the records of the Library, Library Director and Library staff, Board of Selectmen, Board of Trustees, and the Town Attorney.

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<sup>5</sup> The record demonstrates that the respondent Town Manager contacted the various departments and boards referenced in the August 1, 2024 request, requested that such agencies conduct searches, and provide copies of responsive records to him to be provided to the complainant. The respondent Town Manager testified that all of the records that were provided to him were then provided to the complainant. This included a thumb drive containing copies of records maintained by the Library, Library Director, and/or Library staff. The Commission notes that the complainant refused to retrieve the thumb drive when it was made available by the respondents. Notwithstanding, the respondents provided the complainant with the thumb drive at the March 4, 2025 hearing in this matter. However, because the records contained on the thumb drive are not records of the respondent Town Manager and his office, consideration of the complainant’s refusal to retrieve such records is not warranted here.

<sup>6</sup> To the extent the complainant desires to obtain copies of public records from the Library, the Library Director and Library staff, the Board of Selectmen, the Town Attorney, or the Board of Trustees, or any other agency of the Town of Hebron, he may file a public records request with those specific departments. See *Lemcke v. Freedom of Info. Comm’n*, Docket No. HHB-CV23-6083041-S (Conn. Super. Ct. Dec. 19, 2024).

**The respondent Town Manager's duty to provide records that he and his office maintain**

28. Notwithstanding the aforementioned findings and conclusions, it is found that the respondents have a duty to provide copies of the requested records, as set forth in the August 1, 2024 and September 19, 2024 requests, that exist and are maintained by the respondent Town Manager and his office.

29. It is found that the respondent Town Manager and his staff conducted searches for records responsive to the August 1, 2024 request that existed and were maintained by them, and provided copies of such records to the complainant. See paragraph 5, above.

30. It is found, however, that the respondents did not conduct any search for records responsive to the September 19, 2024 request. Notwithstanding, the respondent Town Manager testified, and it is therefore found, that he and his staff could have conducted a search for responsive records in the same manner they did in response to the August 1, 2024 request.

31. The respondent Town Manager further testified that even if he and his staff had conducted the search described in paragraph 30, above, the respondents would still require the assistance of the IT vendor in order to provide the complainant with copies of e-mail correspondence of former employees that were only located on a server that they could not access. The respondents further contended that had they conducted such a search, they could pass on the fee for the IT vendor's services to the complainant pursuant to §§1-211 and 1-212(b)(2), G.S.

32. Section 1-211(a), G.S., provides the following in relevant part:

Any public agency which maintains public records in a computer storage system shall provide, to any person making a request pursuant to the Freedom of Information Act, a copy of the nonexempt data contained in such records, properly identified, on paper, disk, tape or any other electronic storage device or medium requested by the person, including an electronic copy sent to the electronic mail address of the person making such request, if the agency can reasonably make any such copy or have any such copy made. Except as otherwise provided by state statute, the cost for providing a copy of such data shall be in accordance with the provisions of section 1-212.

33. Section 1-212(b)(2), G.S., provides the following:

The fee for any copy provided in accordance with subsection (a) of section 1-211 shall not exceed the cost thereof to the public agency. In determining such costs for a copy, other than for a printout which exists at the time that the agency responds to the request for such copy, an agency may include only:

...

An amount equal to the cost to the agency of engaging an outside professional electronic copying service to provide such copying services, if such service is necessary to provide the copying as requested....

34. Further, §1-212(c), G.S., provides that a public agency may require prepayment of any fee required or permitted under the FOI Act if such fee is estimated to be ten dollars or more.

35. With respect to the September 19, 2024 request for records of the respondent Town Manager and his office, it is found that the respondents maintain the requested records on a computer storage system within the meaning of §§1-211(a) and 1-212(b), G.S. It is therefore concluded that the fee provisions in §1-212(b), G.S., govern the fees that *may* be assessed for the provision of such records.

36. It is found that the respondents do not employ IT staff and instead utilize a third party IT vendor as needed. It is found that such vendor has access to the respondents' records that are maintained on a server, which includes e-mail records of former employees.

37. It is found that, although the respondents provided the IT vendor with a copy of the August 1, 2024 request, the respondents failed to present evidence that they also provided a copy of the September 19, 2024 request to the IT vendor and were notified of any fee for the vendor's services. It is also found that the respondents failed to present evidence regarding the nature of the IT vendor's services, how the fee would be calculated, and why such services were necessary.<sup>7</sup>

38. Therefore, it is found that the respondents failed to prove that engaging an outside professional electronic copying service to provide the complainant with copies of records of the respondent Town Manager and his office that were responsive to the September 19, 2024 request was necessary, and that the fee for such services could be passed to the complainant, as permitted by §1-212(b)(2), G.S.

39. Based on all of the foregoing, it is concluded that the respondents violated the provisions of §§1-210(a), 1-211, and 1-212(a), G.S., as alleged in the complaint, with respect to the September 19, 2024 request for records of the respondent Town Manager and his office.

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

1. Within fourteen (14) days of the date of the Notice of Final Decision in this matter, the respondents shall undertake a search for records that are responsive to the September 19,

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<sup>7</sup> The Commission notes that it is unclear from the record in this matter whether the complainant sought correspondence from former employees of the Office of the Town Manager, or that any member of said office had departed the office during the period of time set forth in the September 19, 2024 request (from August 1, 2024 through September 19, 2024).

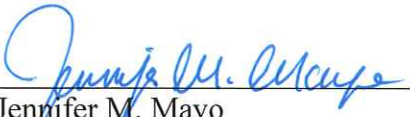
2024 request that exist and are maintained by the respondent Town Manager and his office.

2. Within thirty (30) days of the date of the Notice of Final Decision, the respondents shall provide the complainant with copies of such records free of charge.

3. Within thirty (30) days of the date of the Notice of Final Decision in this matter, the respondents shall also provide the complainant and the Commission with an affidavit, prepared by a person with knowledge of the efforts undertaken to search for and provide such records, and the outcome thereof.

4. Henceforth, the respondents shall strictly comply with the requirements of §§1-210(a), 1-211, and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of September 10, 2025.

  
Jennifer M. Mayo  
Acting Clerk of the Commission

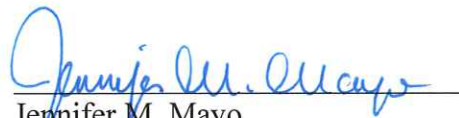


PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

**TIM HOWARD**, 87 Jennifer Drive, Hebron, CT 06248

**TOWN MANAGER, TOWN OF HEBRON; AND TOWN OF HEBRON**, c/o Attorney  
Kenneth R. Slater, Jr., Halloran & Sage LLP, 225 Asylum Street, Hartford, CT 06103



Jennifer M. Mayo  
Acting Clerk of the Commission