

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Michael Dubreuil and Citizens for
Colchester,

Complainants

against

Docket # FIC 2025-0348

Daniel P. Sullivan III, Superintendent of
Schools, Colchester Public Schools;
Colchester Public Schools; and Colchester
Board of Education,

Respondents

April 22, 2026

The above-captioned matter was heard as a contested case on October 27, 2025, at which time the complainants and respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

On November 18, 2025, the undersigned hearing officer admitted into evidence the following after-filed exhibits, over the objection of the respondents:

Complainants' Exhibit K (after-filed): May 2, 2025 Email from Alyssa Fratoni to Attorney Santiago.

Complainants' Exhibit L (after-filed): May 12, 2025 Email from Attorney Santiago to Alyssa Fratoni.

Complainants' Exhibit M (after-filed): October 28, 2025 Email forwarding an email, from May 12, 2025, from Attorney Santiago to Daniel Sullivan and Jessica Kuckel.

Complainants' Exhibit N (after-filed): May 12, 2025 Email from Jessica Kuckel to complainants.

Complainants' Exhibit O (after-filed): May 13, 2025 Email from Alyssa Fratoni to complainants.

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 2, 2025, the complainants requested

[A]ll legal invoices reflecting expenses incurred by the Board of Education, paid with taxpayer funds, for the defense of the Superintendent before the Freedom of Information (“FOI”) Commission in at least two cases where he was found to have violated Connecticut law. These cases include, but may not be limited to FIC # 2024-0225 and FIC # 2024-0237.

3. It is found that, by email dated May 2, 2025, the respondents acknowledged the complainants’ request.

4. It is found that, by email dated May 9, 2025, the complainants asked for an update on the status of the request, and raised concerns regarding promptness with respect to compliance with the request.

5. It is found that, by email dated May 9, 2025, the respondents informed the complainants that they were working on compliance with the request, and anticipated that copies of the records would be ready the following week (i.e., the week of May 12, 2025).

6. It is found that, by email dated May 12, 2025, the complainants asked for a status update on the request for records. The complainants also wrote: “Unless this request is fulfilled by **noon today**, I will be filing a complaint with the FOI Commission for failure to comply with the promptness requirement—regardless of whether the records are ultimately produced.” (Emphasis in the original.)

7. It is found that, by email dated May 12, 2025, the respondents informed the complainants that they anticipated that copies of the records would be available “likely by end of the day,” and that they would provide an update “shortly.”

8. It is also found that on May 12, 2025, complainant Dubreuil visited the respondents’ central office to inquire if he could pick copies of the requested records. It is also found that complainant Dubreuil did not make an appointment with the respondents and the person he had been emailing regarding his request was out of the office that afternoon, as well as the business manager and human resources representative.

9. By complaint dated May 12, 2025, and received on May 13, 2025, the complainants appealed to the Commission, alleging that the respondents violated the FOI Act by failing to provide them with copies of the records described in paragraph 2, above. In the complaint, the complainants requested a civil penalty be imposed against the respondents.

10. It is found that, by email dated May 13, 2025, the respondents provided the complainants with a spreadsheet listing the various invoices that they paid to their legal counsel. It is also found that the spreadsheet was created by the respondents’ counsel.

11. It is found that, by email dated May 13, 2025, complainant Dubreuil acknowledged receipt of the spreadsheet but requested the corresponding invoices.

12. It is found that on May 13, 2025, the respondents obtained unredacted copies of the requested invoices from their counsel.

13. It is found that, by email dated May 15, 2025, the respondents provided the complainants with copies of the individual invoices, with some redactions¹ made in consultation with legal counsel.

14. 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.

15. 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.

16. 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.”

17. It is concluded that the requested records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

18. At the hearing, the complainants contended that the respondents violated the FOI Act by failing to provide the records promptly and by refusing to provide the records on May 12, 2025, when he appeared at the respondents’ office.

19. The respondents contended that they promptly provided the complainants with copies of the responsive records.

20. This Commission has held that the meaning of the word “promptly” is a particularly fact-based question, and has opined that the word “promptly” in §1-210, G.S., means “quickly and without undue delay, taking into account all of the factors presented by a particular request ...

¹ The complainant testified in the contested case hearing that he was not challenging the redactions made by the respondents. Consequently, the Commission shall not consider such redactions herein.

[including] the volume of records requested; the amount of personnel time necessary to comply with the request; the time by which the requester needs the information contained in the records; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without loss of the personnel time involved in complying with the request." See FOI Commission Advisory Opinion #51 (Jan. 11, 1982). The Commission also recommended in Advisory Opinion #51 that, if immediate compliance is not possible, the agency should explain the circumstances to the requester.

21. As the court recognized in Comm'r of Dep't of Emergency Servs. & Pub. Prot. v. Freedom of Info. Comm'n, No. HHBCV186047741, 2020 WL 5540637, at *6 (Conn. Super. Ct. July 2, 2020), a public agency should consider its obligations under the FOI Act as a "primary duty" of that agency, "on par with the [agency's] other significant duties, or said another way, that the agency's FOIA duty is not a second class duty."

22. At the hearing, complainant Dubreuil testified that he wanted to obtain the requested records by noon on May 13, 2025 in order to submit a letter to the editor of the local newspaper. Notwithstanding, it is found that the complainants did not inform the respondents of this deadline in the request itself, described in paragraph 2, above, nor did the complainants include any time by which they needed to obtain copies of the responsive records.

23. As described in paragraph 8, above, the complainants neither made an appointment with the respondents on May 12, 2025 nor been informed that such records were ready for pick up.

24. The respondents testified, and it is found, that at the date and time the complainants arrived at their office to pick up copies of the responsive records, such records were not ready for the complainants.

25. As already found in paragraph 8, above, on May 12, 2025, the employee responsible for responding to the complainants' request had left the office early that day, prior to the complainants' unscheduled appearance.

26. It is found that at the time of the complainants' request, the respondents were preparing for three respondent Board of Education meetings. It is also found that the request was filed at the end of the school year, which is a busy time of the school year due to additional end of the year activities, as well as budget planning. Additionally, it is also found that the executive assistant to the assistant superintendent had recently resigned and the respondents' FOI Coordinator became responsible for such person's duties in addition to her own.

27. At the hearing, complainant Dubreuil argued that the respondents purposely delayed disclosing responsive records by creating and providing a non-responsive spreadsheet rather than copies of the requested invoices.

28. The respondents testified, however, and it is found, that they gave the complainants the spreadsheet to fulfill the request quickly, as the requested invoices required review for possible claims of exemption and were not ready.

29. Notwithstanding, it is found that only 13 days transpired between the date of the request and the date that copies of responsive records were provided to the complainants.

30. Based on all of the foregoing, it is found that the respondents provided the complainants with copies of the responsive records promptly.

31. It is therefore concluded, that the respondents did not violate the promptness provisions of the FOI Act.

32. Because the respondents did not violate the FOI Act, the Commission need not consider the complainants' request for the imposition of a civil penalty.

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

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of April 22, 2026.

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:

MICHAEL DUBREUIL AND CITIZENS FOR COLCHESTER, 180 Woodbine Road,
Colchester, CT 06415

**DANIEL P. SULLIVAN III, SUPERINTENDENT OF SCHOOLS, COLCHESTER
PUBLIC SCHOOLS; AND COLCHESTER PUBLIC SCHOOLS**, c/o Attorney Rebecca
Santiago and Attorney Julie Reznik, Shipman & Goodwin, LLP., One Constitution Plaza,
Hartford, CT 06103



Jennifer M. Mayo
Acting Clerk of the Commission