

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Paul Norton,

Complainant

against

Docket #FIC 2025-0350

Town Clerk, Town of Plymouth; and
Town of Plymouth,

Respondents

April 22, 2026

The above-captioned matter was heard as a contested case on October 9, 2025, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

Pursuant to the undersigned Hearing Officer's order for additional evidence issued on the record at the October 9, 2025 hearing, the respondents submitted an Affidavit of Linda Konopaske dated October 23, 2025. Such affidavit is marked as Respondents' Exhibit 1 (after-filed). Pursuant to §1-205-38 of the Regulations of Connecticut State Agencies, the complainant was provided an opportunity to respond to such affidavit. The complainant submitted his response to the Commission on March 20, 2026, and such response is marked as Complainant's Exhibit H (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 May 2, 2025, the complainant sent a request to the respondent, Town Clerk for the Town of Plymouth, seeking the following records:

[(i)] Housing Authority of the Town of Plymouth, HATP¹ Tenant Applicant File Paul J Norton, to include all documents submitted from April 2025 to May 2025. To include any Rules added to File.

[(ii)] Notes, emails, texts, 'including but not limited to' between and among Director Lisa Phillimore, Chairman Klimas, HATP and

¹ "HATP" as used by the complainant and herein, refers to the Housing Authority of the Town of Plymouth.

Board Members HATP re Paul Norton, Unit 22 application process, recertification, [c]omplaints mentioning or referring to[.]

[(iii)] Any and all written communications ‘including but not limited to’ texts, emails, reports between Director Phillimore, HATP Board, Chairman, and Town of Plymouth employees, Town Accountant, or Town Attorney containing tenant Paul Norton. Specifically references to tenant Paul Norton Unit 22 application process, recertification, or [c]omplaints by HATP or Director Phillimore from April 2024 and May 2025.

[(iv)] HATP Director[’s] phone log or Calendar of her contacts with tenant Paul Norton.

3. It is found that on May 7, 2025, the complainant followed up with the respondent Town Clerk regarding his request described in paragraph 2, above, as he had not received a response thereto.

4. It is found that on May 8, 2025, the Assistant Town Clerk emailed the respondent Town Clerk and the Assistant to the Mayor asking for assistance with the complainant’s request described in paragraph 2, above.

5. It is further found that on May 8, 2025, the Assistant to the Mayor emailed the complainant a letter informing him that the Mayor’s office does not have access to the HATP Tenant file and that the custodian of such records was:

Lisa Phillimore, Interim Office Manager
Gosinski Park
43 Ronald Road, Unit 31 (Main Office)
Terryville, CT 06786

6. It is found that on May 9, 2025, the respondent Town Clerk informed the complainant, via email, that her office did not maintain any of the records sought in the complainant’s request described in paragraph 2, above.²

7. By complaint received and filed May 13, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him access and/or copies of the requested records described in paragraph 2, above.

8. 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

² In this correspondence, the respondent Town Clerk indicated that the request was forwarded to the Mayor’s office for processing; however, as noted in paragraph 5, above, the Mayor’s office did not maintain the HATP tenant file.

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.

9. 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.

10. 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.”

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

12. It is found that the requested records described in paragraph 2, above, are on their face, records of the HATP, not records of the respondent Town Clerk.³ It is further found that the HATP and the respondent Town Clerk are separate and distinct public agencies.

13. It is well established that one public agency does not have a duty to maintain or make available the public records of separate and distinct public agencies. See Lash v. Freedom of Info. Comm’n, 116 Conn. App. 171, 187 (2009), *aff’d in part, rev’d in part* 300 Conn. 511 (2011) (“Lash”); *see also*, Docket #FIC 2021-0393, Petrina Yoxall v. Patricia King, Office of Corporation Counsel, City of New Haven, et al. (May 11, 2022) (respondents are only required to provide the complainant the requested records that they maintain.)

14. The complainant avers that pursuant to the Commission’s Advisory Opinion #75 (1989), his request was properly sent to the respondent Town Clerk, because the HATP previously failed to make accessible the requested records.⁴

³ The one notable exception in this regard is with respect to part (iii) of the complainant’s request described in paragraph 2, above, wherein he seeks correspondence from any Town of Plymouth employee. This portion of the request is broad enough to encompass the respondent Town Clerk. The respondents, however, conducted a search for records responsive to part (iii) of the complainant’s request, but did not locate any responsive records.

⁴ The complainant also alleges that HATP has shown an indifference towards their obligations to their record retention obligations as they do not maintain records they are required to by law. It is well established that matters of records retention are outside of this Commission’s jurisdiction. See Docket #FIC 2018-0649, Ethan Book v. Mayor, City of Shelton, et al. (August 14, 2019). Accordingly, such argument will not be further considered herein.

15. Advisory Opinion #75 interprets the language now codified in §1-210(a), G.S., which in relevant part states:

Each such agency shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place, and if there is no such office or place of business, the public records pertaining to such agency shall be kept in the office of the clerk of the political subdivision in which such public agency is located or the Secretary of State, as the case may be.

16. In Advisory Opinion #75, the Commission opined that the records of two public agencies were not “kept and maintained in an accessible place within the meaning of [§1-210(a), G.S.] because they are available to the public only for a total of nine hours over a two day period per week.” Accordingly, the Commission suggested that for *those agencies* to comply with §1-210(a), G.S., they should extend their office hours or keep their records in the town clerk’s office. In other words, public agencies must ensure that the public has reasonable access to public records, either at their own office or, if they are unable to do so there, at the office of the town clerk.

17. While extenuating circumstances may require that public records be stored at a place other than an agency’s regular office or place of business (i.e., a town clerk’s office), the obligation to ensure access to such public records remains with that agency. See Advisory Opinion #75 (“the Commission believes *that in order for the agencies in question to comply*. . . .”) (emphasis added); see also §1-210(a), G.S. (“*Je/ach such agency* shall keep and maintain all public records *in its custody*. . . .”) (emphasis added). This is especially true in light of the fact that one public agency does not have a duty to maintain or make available the public records of another separate and distinct public agency. See Lash.

18. It is found that HATP is the custodian of the requested records. HATP’s alleged failure to provide the complainant with access to the requested records previously does not automatically require HATP to store their records with the respondent Town Clerk, nor does it create a duty for the respondent Town Clerk to produce such records. Rather, the proper recourse for the complainant would be to pursue an appeal against HATP with this Commission, pursuant to §1-206, G.S.

19. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., as they did not maintain any records responsive to the complainant’s request described in paragraph 2, above.

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

1. The complaint is dismissed.

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

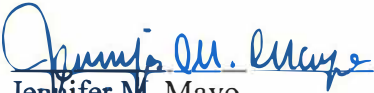

Jennifer M. Mayo
Acting Clerk of the Commission

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:

PAUL NORTON, 43 Ronald Road, Unit 22, Terryville, CT 06786

TOWN CLERK, TOWN OF PLYMOUTH; AND TOWN OF PLYMOUTH, c/o Attorney William A Hamzy, The Hamzy Law Firm, LLC, 140 Farmington Avenue, Bristol, CT 06010


Jennifer M. Mayo
Acting Clerk of the Commission