

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Francisco Grasso,

Complainant

against

Docket #FIC 2025-0287

Building Official, Building
Division, City of New London;
Building Division, City of New
London; and City of New London,

Respondents

April 8, 2026

The above-captioned matter was heard as a contested case on October 14, 2025, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

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 April 21, 2025, the complainant requested that the respondents provide him with “the report from the second inspection” conducted by the respondents on April 8, 2025 of his apartment located at 281 State Street, #2H, in New London, Connecticut.
3. It is found that, by email dated April 22, 2025, the respondents acknowledged receipt of the complainant’s request.
4. By complaint form received and filed on April 24, 2025, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with the request, described in paragraph 2, above.
5. 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.

6. 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, . . . or (3) 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 records 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.

9. At the hearing on this matter, the complainant contended that the respondents failed to provide him with any records responsive to his request described in paragraph 2, above, in violation of the FOI Act. During his testimony, the complainant explained, and it is found, that he was seeking an updated report concerning an inspection that the respondent Building Division, City of New London (“Building Division”) had conducted of the complainant’s apartment described in paragraph 2, above. It is found that the complainant requested such report for a housing court matter pending against his landlord for alleged housing code violations.

10. The respondents contended that at the time of the request on April 21, 2025, no report existed from the second inspection, therefore there were no records responsive to the complainant’s request.

11. Additionally, the respondents’ witness, a blight enforcement officer of the respondent Building Division, City of New London (the “Blight Inspector”), testified, and it is found, that he conducted an initial inspection of the complainant’s apartment on March 11, 2025 and prepared a report which itemized various building violations and repairs that needed to be completed under the law.¹ The Blight Inspector further testified, and it is found, that on March 18, 2025, the respondent Building Division received notice from the complainant’s landlord that the required repairs had been completed on or before March 18, 2025.

¹ The Commission notes that the parties agreed that, pursuant to a separate request, the complainant previously had received a copy of the report documenting such March 11, 2025 inspection.

12. Based upon the Blight Inspector's testimony, it is found that the respondents conducted a second inspection of the complainant's apartment on April 8, 2025.

13. Further, the Blight Inspector testified, and it is found, that the respondents maintain and amend property inspection reports in a computer system named "COPAL". The Blight Inspector further testified, and it is found, that under this system the respondent City is only able to maintain one active report per address, meaning that multiple visits to a property will result only in one report until after such case is closed as final. The Blight Inspector also testified, and it is found, that the respondent Building Division's blight inspectors are required to input and submit such reports and/or notes to the COPAL system within thirty days of each inspection.

14. The Blight Inspector testified, and it is found, that, as of April 21, 2025, he had yet to input and submit his additional notes from the April 8, 2025 second inspection of the complainant's apartment.

15. Based on the foregoing, it is found that no responsive records existed at the time of the complainant's request.

16. In accordance with the FOI Act's definition of "public record," a requestor has the right to receive records "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," which means plainly that the record must actually exist. See §1-200(5), G.S. Records that do not exist cannot be "maintained or kept on file" by a public agency. See §1-210(a), G.S.; Jane Anastasio v. Ann Clark, Superintendent of Schools, Bristol Public Schools, et al., Docket #FIC 2002-288 (January 8, 2003)(no violation where requested record "was not created until after the filing of the complaint"); Lorraine Wilmot and Jim Coll v. H. Wayne Carver, II, Chief Medical Examiner, State of Connecticut. Office of the Chief Medical Examiner, Docket #FIC 1999-507 (April 26, 2000)("respondent was not required to comply with a request for records that did not exist at the time of the request"); Robert J. Symmes v. Charles Marino, Democratic Registrar of Voters, City of West Haven, Docket #FIC 2008-564 (March 25, 2009)(record that did not exist at the time of request was not maintained or kept on file by respondent).

17. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., as alleged by the complainant.

18. The Commission notes that, at the hearing on this matter, the respondents provided the complainant with a copy of the final inspection report that included the Blight Inspector's additional notes from the April 8, 2025 second inspection.

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 8, 2026.

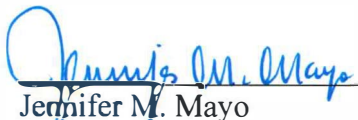

Jennifer M. Mayo
Acting Clerk of the Commission

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:

FRANCISCO GRASSO, 281 State Street, Apt. 2H, New London, CT 06320

BUILDING OFFICIAL, BUILDING DIVISION, CITY OF NEW LONDON; BUILDING DIVISION, CITY OF NEW LONDON; AND CITY OF NEW LONDON, c/o Attorney Jeffrey T. Londregan, Conway, Londregan, Sheehan & Monaco, PC, 38 Huntington Street, New London, CT 06320



Jennifer M. Mayo
Acting Clerk of the Commission