

FREEDOM OF INFORMATION COMMISSION
OF STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Mark Chylinski,

Complainant

against

Docket # FIC 2025-0801

Chief, Police Department, Town of West
Hartford; Police Department, Town of West
Hartford; and Town of West Hartford,¹

Respondents

August 12, 2026

The above-captioned matter was heard as a contested case on April 27, 2026, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

Throughout the pendency of this matter, the complainant has filed over fifty motions, objections, petitions, requests and/or submissions with the Commission. On May 28, 2026, the respondents filed an Omnibus Objection to Complainant's Post-Hearing Submissions, and on June 15, 2026, the respondents filed an Omnibus Objection to Complainant's Continued Post-Hearing Submissions. The majority of such filings are itemized in the addendum attached hereto. On July 21, 2026, the hearing officer issued an omnibus order denying and/or overruling the complainant's motions, objections, petitions, requests and/or filings.

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 September 5, 2025, the complainant went to the respondent Police Department, Town of West Hartford (the "Department") and made an oral request for a "Case/Incident Report" for "Case Number 23 51039" (hereinafter the "Case/Incident Report").
3. It is found that, on September 5, 2025, the Records Supervisor for the Department (the "Records Supervisor") and another employee of the Records Department of the Department denied the complainant's request for the records described in paragraph 2, above.
4. By complaint form dated September 5, 2025, and filed September 5, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of

¹ The case caption has been amended to reflect that the respondent municipality is a town and not a city.

Information (“FOI”) Act by denying his request for records. In this regard, the complaint makes the following allegations:

On Friday, September 5, 2025 - Two (2) Town employees at the Records Division (West Hartford Police Dept., 103 Raymond Road, West Hartford, Connecticut 06107, United States of America), employee Dawn (Surname Unknown) and employee Sandra MOUTINHO, RECORDS SUPERVISOR, refused to provide me a copy Case/Incident Report from November of 2023. This was my verbal request-not a written request.

November of 2023, Case/Incident Report is located at the West Hartford Police Dept. - Case Number 23 51039, Officer Name Caleb PREATO.

Written Police Case/Incident Report (Dated November 2023) is on file for around two (2) years at Records Division, West Hartford Police Dept., West Hartford, Connecticut.

(Emphasis in original.)

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

"Public 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:

Except 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 the provisions of section 1-212.

7. Section 1-212(a), G.S., provides in relevant part: “Any 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 requested records 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 all records responsive to his request. More specifically, he claimed that his request for the Case/Incident Report includes a request for body worn camera footage, computer aided dispatch (“CAD”) reports, and all records related to case number 23 51039. The complainant also contended that the respondents improperly failed to provide him with the opportunity to inspect “the file,” because his request for the Case/Incident Report included a request to inspect all records related to case number 23 51039.

10. At the hearing on this matter, the respondents disputed the complainant’s contentions and argued that the complainant’s claims that (1) the respondents improperly failed to allow him to inspect the file for case number 23 51039 and (2) he requested additional records, aside from the Case/Incident Report, were not fairly raised within the scope of the complaint and therefore are not before the Commission.

Scope of the Complaint

11. The Commission operates within the confines of the FOI Act; §1-200, G.S., *et seq.*; and the complementary mandates of the Uniform Administrative Procedure Act (“UAPA”), § 4-166, G.S., *et seq.* *Dep’t of Pub. Safety v. Freedom of Info. Comm’n*, 103 Conn. App. 571, 584 (2007).

12. Under the UAPA, “[i]n a contested case, all parties shall be afforded an opportunity for hearing after *reasonable notice*,” §4-177(a), G.S.; and “[t]he notice shall be in writing and shall include... *a short and plain statement of the matters asserted*,” §4-177(b), G.S. (Emphasis added.) The UAPA also requires that “[f]indings of fact shall be based exclusively on the evidence and *on matters officially noticed*.” §4-177(g), G.S. (Emphasis added.) “The right to a hearing embraces not only the right to present evidence, but also *a reasonable opportunity to know the claims of the opposing party and to meet them*.” *Leib v. Bd. of Examiners for Nursing of State of Conn.*, 177 Conn. 78, 82 (1979). (Emphasis added.) Compliance with the UAPA notice provisions is a prerequisite to any valid action by an administrative tribunal and the failure to give proper notice constitutes a jurisdictional defect. *Brazo v. Real Est. Comm’n*, 177 Conn. 515, 518 (1979).

13. As a result, the Commission may only adjudicate those issues fairly raised in the complaint to the Commission. *See DiIorio v. Commissioner, State of Connecticut, Dep’t of Banking, et al.*, Docket #FIC 2024-0467 (July 23, 2025) (finding certain allegation(s) not fairly raised in complaint and therefore the Commission was without jurisdiction to adjudicate such claim(s)); *Carr v. Chairman, Plan. & Zoning Comm’n, Town of Bridgewater et al.*, Docket #FIC 2017-0519 (August 8, 2018) (same); *Shultz v. Bd. of Selectmen, Town of Woodstock, et al.*, Docket #FIC 2021-0153 (February 22, 2023) (same).

14. With respect to the complainant’s contention that the respondents, on September 5, 2025, improperly failed to provide him with the opportunity to inspect the file for case number

23 51039, it is found that no allegations relating to a request to inspect any public records were fairly raised in the complainant's September 5, 2025 complaint to the Commission.²

15. Accordingly, the Commission lacks jurisdiction to consider and act upon any allegations raised at the hearing on this matter that the respondents failed to provide the complainant with an opportunity to inspect records.

16. With respect to the complainant's contention that he was also seeking body worn camera footage, CAD reports, and all other records related to case number 23 51039 or related to an incident that occurred in November of 2023, it is found that the complaint at issue in this matter does not reference such a request and, thus, that such request is outside the scope of the complaint.³ Rather, it is found that it is clear that the complaint solely references a "Written Police Case/Incident Report (Dated November 2023)." Moreover, it is found that the Department maintains records that are specifically titled "Case/Incident Reports" and that such records are distinct from body worn camera footage, CAD reports, and other law enforcement records.

17. Accordingly, the Commission lacks jurisdiction to consider and act upon any allegations raised at the hearing on this matter that the respondents failed to provide the complainant with records other than the Case/Incident Report.

Oral Records Request

18. With respect to the complainant's request for the Case/Incident Report, §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." (Emphasis added.)

19. In *Planning and Zoning Comm'n of the Town of Pomfret v. Freedom of Info. Comm'n*, 130 Conn. App. 448, 456 (2011), the Connecticut Appellate Court concluded that "[t]he language of §1-212(a) clearly and unambiguously requires that an individual seeking to receive a copy of a public record...must reduce the request to writing in order for the request to be enforceable by the commission."

² The Commission also notes that the Records Supervisor testified, at the hearing on this matter, that the complainant never made a request to inspect the file on September 5, 2025; rather, he solely requested a copy of the Case/Incident Report. Moreover, at the hearing on this matter, the complainant equivocated on this issue and avoided answering the question directly as to whether he, in fact, specifically requested to inspect or see the file; rather, he repeatedly insisted that his request for a copy of the Case/Incident Report somehow included a request to inspect "the file." Nonetheless, the Commission need not make a finding concerning such factual issue because, as found in paragraph 14, above, the complaint to the Commission does not fairly raise a claim of a denial to inspect public records.

³ Additionally, even if a request for such additional records could be deemed to be included as part of a request for "a Case/Incident Report," (which contention the Commission rejects), such request was not made in writing and, therefore, the conclusion set forth in paragraph 21, below, would equally apply to any such additional records.

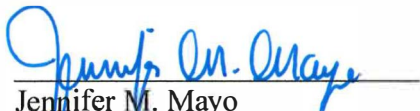
20. At the hearing on this matter, the complainant and the respondents' witness testified, and it is found, that the complainant's September 5, 2025 request for the Case/Incident Report was made orally, and not in writing.⁴

21. Based upon the foregoing, it is concluded that, because the complainant's September 5, 2025 request failed to request the Case/Incident Report in writing, the respondents did not violate the FOI Act by failing to provide the Case/Incident Report to the complainant.⁵

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 August 12, 2026.


Jennifer M. Mayo
Acting Clerk of the Commission

⁴ The Commission notes that the complainant may file an additional records request with the Department and has already done so; he testified that he sent a letter, dated April 21, 2026, to the Department, which requested the following records:

FOR NOVEMBER 2023 POLICE OFFICER PREATO AXON LAW ENFORCEMENT
OFFICER-WORN BODY CAMERA (BWC) SYSTEM, AND POLICE CASE
INCIDENT REPORT, AND POLICE COMPUTER AIDED DISPATCH (CAD)
REPORT, AND DASHBOARD/IN CAR CAMERA RECORDINGS FROM
NOVEMBER CALENDAR MONTH 2023 CALENDAR YEAR FROM POLICE
OFFICER PREATO, WEST HARTFORD POLICE DEPARTMENT, TOWN OF WEST
HARTFORD, STATE OF 28 CONNECTICUT, U.S.A.

(Emphasis in original.) Because such request was sent to the respondents after the complaint at issue in this matter was filed, such request is not before the Commission.

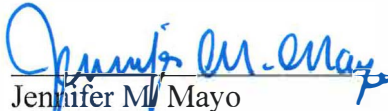
⁵ Although not at issue under the facts of this case, the Commission notes that the respondents claimed that they denied the complainant's September 5, 2025 request for the Case/Incident Report because the case was still open and active. However, the Commission also notes that, although not required to do so under the facts of this case, the respondents, by the time of the hearing in this matter, provided a copy of the Case/Incident Report to the complainant after case number 23 51039 had been closed. It is also noted that the respondents ultimately provided the complainant with a Call Summary Report related to case number 23 51039 and that the Records Supervisor testified that no body worn camera video footage related to such case number exists.

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 CHYLINSKI, 35 Santo Court, New Britain, CT 06053

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 Drive, Suite 4B, Rocky Hill, CT 06067



Jennifer M. Mayo
Acting Clerk of the Commission

2025-0801 Addendum to Report of Hearing Officer

	Date Filed	Description
1.	04/07/26	Complainant – Memorandum of Law in Support of Motion to Compel Police Officer to Produce Documents
2.	04/07/26	Complainant – Request for Decision on Complainant Motion to Compel Respondent
3.	04/09/26	Complainant – Motion to compel police Axon Body Camera and Police Incident Report from November 2023
4.	04/20/26	Complainant – Motion for Orders of Compliance
5.	05/08/26	Complainant – Supplement to Motion for Order of Compliance Pursuant to Practice Book §13-14
6.	05/08/26	Complainant – Motion to Extend Time
7.	05/11/26	Complainant – Brief in Support of Motion to Compel, Motion for In-Camera Inspection
8.	05/14/26	Complainant – Petition for a Writ of Certiorari
9.	05/14/26	Complainant – Supplement Brief in Support of Motion to Compel Motion for In-Camera Inspections
10.	05/19/26	Complainant – Request a Decision on Complainant Supplement Motion to Objection to Respondents Exhibits and Witness
11.	05/19/26	Complainant – Request a Decision on Complainant Motion for Issuance of Subpoena for Complainant Witnesses
12.	05/19/26	Complainant – Motion for Contempt of Court
13.	05/19/26	Complainant – Motion for a Second Hearing, In Camera Inspection and Subpoena
14.	05/22/26	Complainant – Supplement Motion for Second Hearing Regarding the Release of Records, In-Camera Inspection, Subpoena Witnesses
15.	05/26/26	Complainant – Motion of Reconsideration Motion for Contempt of Court on Respondents Witness
16.	05/26/26	Complainant – Request seeking “Clarity” re May 19, 2026 Ruling
17.	05/28/26	Complainant – Opposition to 05/19/26 Ruling Re: Motion for Second Hearing & Subpoena
18.	05/28/26	Complainant – Objection to 05/19/26 FOI Comm’n Order re Motion for Contempt
19.	05/29/26	Complainant – Supplement Objection to 05/19/26 FOIC Ruling on Motion for a Second Hearing
20.	06/01/26	Complainant – Motion to Extend Time to File Notice of Appeal
21.	06/03/26	Complainant – Complaint for Declaratory and Injunctive Relief and Equitable Relief
22.	06/04/26	Complainant – Response in Opposition to Respondents Omnibus Objection to Complainant Post-Hearing Submissions

23.	06/05/26	Complainant – Supplement to Request for Decision on Complainant Motion to Compel Respondents Police Incident Report and Police Body Worn Camera
24.	06/05/26	Complainant – Objection to 05/29/26 Comm’n Ruling or Order on Motion for Reconsideration
25.	06/05/26	Complainant – Supplement to Memorandum of Law in Support of Motion to Compel Officer Preato to Produce Documents
26.	06/05/26	Complainant – Objection to 05/28/26 Comm’n Ruling or Order on Complainant Motion for Reconsideration of Motion for Contempt of Court on Respondents Witness
27.	06/08/26	Complainant – Request for an answer regarding Respondents’ Omnibus Objections
28.	06/08/26	Complainant – Opposition to Respondents’ Omnibus Objection to Complainant’s Various Requests for Relief
29.	06/08/26	Complainant – Complaint re: Respondents Omnibus Objection and Request to state Name of Individual Respondents in Case Caption
30.	06/08/26	Complainant – Request for Admissions
31.	06/08/26	Complainant’s Motion for Indirect Contempt on Respondents Attorney and Sanctions
32.	06/09/26	Complainant’s Supplement to Motion for Contempt on Respondents Attorney
33.	06/09/26	Complainant – Motion to Impeach Respondent’s Witness Sandra Moutinho
34.	06/12/26	Complainant – Supplement Motion to Impeach Respondent’s Witness Sandra Moutinho
35.	06/12/26	Complainant – Motion to Sequester Witnesses
36.	06/12/26	Complainant – Motion for Order Prohibiting Contact with Witnesses
37.	06/12/26	Complainant – Motion for Stay
38.	06/12/26	Complainant – Motion to Disqualify/Recuse Clerk
39.	06/15/26	Complainant – Motion with Affidavit to Disqualify/Recuse Clerk
40.	06/15/26	Complainant – Motion to Disqualify Hearing Officer
41.	06/22/26	Complainant – Motion for Discovery and Motion to File Late
42.	06/22/26	Complainant - Supplement to Motion to Recuse Hearing Officer
43.	06/22/26	Complainant – Supplement to Motion Recuse Clerk/Administrative Assistant
44.	06/26/26	Complainant – Motion to Request for Clerk to Issue Summons
45.	06/30/26	Complainant – Motion for Order of Compliance Pursuant to Practice Book §13-14
46.	06/30/26	Complainant – Supplement to Motion for Order of Compliance and for Respondents to Answer Interrogatories
47.	06/30/26	Complainant – Emergency Motion to Reopen Case
48.	06/30/26	Complainant – Emergency Motion to Clarify the Record

49.	06/30/26	Complainant – Supplement to Emergency Motion to Clarify the Record
50.	06/30/26	Complainant – Emergency Motion for Order Pursuant to Conn. Gen. Stat. § 52-143, Chapter 899 (2024), Directed to Lawrence A. Terr Esq., Verizon & AT&T
51.	07/02/26	Complainant – Emergency Motion for Judgement on the Pleadings
52.	07/02/26	Complainant – Emergency Motion to Disqualify/Recuse Chairman Owen P. Eagan and Emergency Motion for Mistrial, Misevidentiary Hearing