

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Geoffrey Joyal,

Complainant

against

Docket #FIC 2025-0803

Town Clerk, Town of Canterbury;
and Town of Canterbury,

Respondents

August 12, 2026

The above-captioned matter was heard as a contested case on April 13, 2026, 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 August 16, 2025, the complainant requested that the respondent Town Clerk provide him with a copy of the records that would reveal how much the town has spent on its legal defense concerning matters filed by Paul Manocchio with this Commission.
3. It is found that, by email dated August 19, 2025, the respondent Town Clerk acknowledged the request and informed the complainant that she was not the custodian of the requested records.
4. By email dated and filed September 5, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with a copy of the requested records.
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 . . . (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 requested records, to the extent that they exist and are maintained by the respondent Town Clerk, 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 even if the respondent Town Clerk does not maintain the records described in paragraph 2, above, she should have forwarded his request to the public agency that does maintain such records and/or she should have directed him to the correct agency.

10. The respondent Town Clerk appeared and testified at the contested case hearing on this matter.

11. Based upon the testimony of the respondent Town Clerk, it is found that neither she nor her office maintains the records described in paragraph 2, above.

12. It is well established that a public agency "is not required to seek out, or to produce, public records not maintained by that office... ." *Lemcke v. Freedom of Info. Comm'n*, Docket No. HHB-CV23-6083041-S (Conn. Super. Ct. Dec. 19, 2024), citing *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*").

13. In *Lash*, the Connecticut Appellate Court considered whether the First Selectman had a duty to inquire of, or forward the request to, the town law department as to whether it maintained any records that would be responsive to a request for public records that had been directed to him. *See Lash*, 116 Conn. App. at 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. *See id.* at 187. The Appellate Court concluded that:

as a department of the town of Greenwich, it is clear that the law department is an agency in its own right under the

administrative supervision of the town attorney. In setting forth disclosure requirements for public agencies, §1-210(a) requires that 'all records maintained or kept on file by a public agency... shall be public records.... **Each such agency shall keep and maintain all public records in its custody....**' It is undisputed that the records of the law department are not kept on file by or in the custody of the first selectman's office but, rather, are maintained by the law department itself. Although both the first selectman and the law department may be public agencies for the purposes of the [FOI Act] ... as distinct public agencies, Lash has no duty to maintain or make available the records of the law department, just as the law department has no duty to maintain or disclose the records of the first selectman.

(Emphasis added). *Id.* at 187.

14. Because it is found that neither the respondent Town Clerk nor her office maintains the records referenced in paragraph 2, above,¹ it is concluded that the respondents did not violate the disclosure requirements of §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

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

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

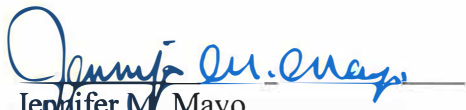
¹ The Commission notes that, although the complainant did not receive a copy of the records described in paragraph 2, above, from the respondent Town Clerk, by email dated January 22, 2026, he made a request for a copy of the same records to the Office of the First Selectman of the Town of Canterbury, and, by email dated March 19, 2026, the First Selectman's Executive Assistant forwarded the complainant copies of the requested invoices.

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:

GEOFFREY J. JOYAL, 276 N Canterbury Road, PO Box 721, Canterbury, CT 06331

TOWN CLERK, TOWN OF CANTERBURY; AND TOWN OF CANTERBURY, c/o Attorney Michael P. Carey and Attorney Marjorie Richardson, Suisman Shapiro Wool Brennan Gray & Greenberg, P.C, PO Box 1591, New London, CT 06320


Jennifer M. Mayo
Acting Clerk of the Commission