

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Elizardo Montanez,

Complainant

against

Docket #FIC 2025-0300

Roderick Porter, Chief, Police
Department, City of Bridgeport;
Police Department, City of
Bridgeport; and City of Bridgeport,

Respondents

February 11, 2026

The above-captioned matter was heard as a contested case on October 28, 2025, and January 20, 2026, at which times the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOIC, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon J.).

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 letter dated April 15, 2025, the complainant made a request to the respondents for copies of records, as follows: (a) the case file of the robbery arrest of Elizardo Montanez from June 13, 2014, (b) the respondent Police Department's arrest log from June 2014, and (c) the case file of the robbery arrest from June 13, 2014 and arrest record of Valarie C. Gomez/Delavega, whose date of birth is July 18, 1981.
3. By letter of complaint, received and filed on April 28, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with the records, described in paragraph 2, above. The complainant also requested the imposition of a civil penalty against the respondents.
4. Section 1-206(a), G.S., provides in relevant part:

[a]ny denial of the right to inspect or copy records provided
for under section 1-210 shall be made to the person

requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request, except when the request is determined to be subject to subsections (b) and (c) of section 1-214, in which case such denial shall be made, in writing, within ten business days of such request. Failure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed to be a denial.

5. Section 1-206(b)(1), G.S., provides in relevant part: “[a]ny person denied the right to inspect or copy records under 1-210... or denied any other right conferred by the Freedom of Information Act may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission....”

6. At the hearings on this matter, the respondents contended that the complaint in this matter should be dismissed because the respondents never received the request, thus they had not denied the complainant’s request or denied any other right under the FOI Act.

7. The Commission notes that it sent letters to the parties on August 27, 2025, informing them of the complaint in this matter.

8. At the continued hearing in this matter, the respondents’ witness testified, and it is found, that the first time the respondents received the complainant’s request, described in paragraph 2, above, was on or after August 27, 2025, when the Commission notified the parties of the complaint in this matter.

9. Consequently, it is found that, at the time of the complaint, the respondents had not received the request, described in paragraph 2, above, and therefore had not denied the complainant’s request, or denied any other right under the FOI Act, within the meaning of §1-206(b)(1), G.S.¹ Because there was no denial at the time of the complaint, it is concluded that the respondents did not violate the FOI Act under the facts of this case.

10. Because the respondents did not violate the FOI Act under the facts of this case, consideration of the complainant’s request for the imposition of a civil penalty against the respondents is not warranted.

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

¹ Despite the recommended dismissal, the Commission notes that the respondents, following their receipt of the request, as discussed in paragraph 8, above, were working to provide, in accordance with §1-210(c), G.S., which requires the respondents to submit the records to the Department of Corrections, all records responsive to the request and that on October 27, 2025, just prior to the initial hearing, they provided certain responsive records to the complainant with redactions. Subsequently, at the continued hearing, the respondents represented that they would, in good faith, continue to work collaboratively with the complainant to satisfy the request.

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 11, 2026.



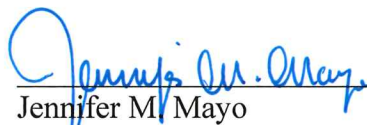
Jennifer M. Mayo
Acting Clerk of the Commission

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:

ELIZARDO MONTANEZ, #371236, MacDougall-Walker Correctional Institution, 1153 East Street, South, Suffield, CT 06080

RODERICK PORTER, CHIEF, POLICE DEPARTMENT, CITY OF BRIDGEPORT; POLICE DEPARTMENT, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT, c/o Attorney Karen L. Miller, Bridgeport City Attorney Office, 999 Broad Street, Bridgeport, CT 06604



Jennifer M. Mayo
Acting Clerk of the Commission