

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jacob Simkovitz,

Complainant

against

Docket #FIC 2025-0061

Chief, Fire Department, Town of Easton;
Fire Department, Town of Easton;
and Town of Easton,

Respondents

January 14, 2026

The above-captioned matter was heard as a contested case on June 2, 2025, at which time the complainant and respondents appeared and presented testimony, exhibits and arguments 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. By letter of complaint dated and filed January 25, 2025, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to promptly comply with his records request dated January 15, 2025, as amended.
3. It is found that by email dated January 15, 2025, the complainant requested the following records from the respondents:
 - a. Any and all records related to the Fire Department radio upgrade project.
 - Records should include but not limited to:
 - Bids
 - Sole source letters if applicable
 - Requests for proposal or other vendor solicitations
 - Meeting minutes and all written notes taken regarding selecting a committee
 - Vendor presentations or documents produced to support bids
 - Radio propagation study results

- Any and all communications including emails, text messages, letters and notes between town officials such as Selectmen, Chiefs of Staff, Administrative staff, and members of service regarding the radio project directed internally or externally

4. It is found that by email dated January 16, 2025, the respondents acknowledged the complainant's request.

5. It is found that by email dated January 31, 2025, the respondents informed the complainant that they had located approximately 1,200 pages of potentially responsive records including duplicates.

6. It is found that by email dated February 20, 2025, the respondents asked the complainant if he wanted to withdraw his request and submit a new one that would omit multiple copies of the requested contract, as well as items that are available online.

7. It is found that by email dated February 27, 2025, the complainant amended his January 15, 2025 request, and indicated that he was seeking copies of the following records:

a. Any and all records related to the Fire Department radio upgrade project.

- One copy of the following type of records, including but limited to:
 1. Bids
 2. Sole source letters, if applicable
 3. Requests for proposals or other vendor solicitations
 4. Meeting minutes and all written notes taken regarding selecting a committee
 5. Meeting minutes and all written notes by the committee
 6. Vendor presentations or documents produced to support bids
 7. Radio propagation study results; and

b. Any and all communications, including emails, text messages, letters, and notes between town officials such as Selectmen, Chiefs of Service, Administrative staff, and members of service regarding the radio project, directed internally or externally¹

8. It is found that, by email dated March 10, 2025, and again on May 18, 2025, the complainant asked the respondents for a status update on his request.

9. It is found that, in mid-May 2025, the respondents assembled the responsive records and, by email dated May 21, 2025, informed the complainant that they had located 307 pages of responsive records. The respondents did not provide a final cost for the copies of the records at that time.

¹ The Commission notes that the complainant indicated in the amended request that he was not seeking duplicates or records that were available online.

10. It is found that by email dated May 30, 2025, the complainant sought clarification on the number of responsive records and questioned if the final cost was just for the 307 pages or the previously cited amount of over 1,000 records. The respondents did not clarify the cost for the complainant, prior to providing the records.

11. It is found that, on June 2, 2025, at the contested case hearing on this matter, the respondents provided the complainant with 307 pages of responsive records.

12. 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.

13. 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.

14. 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.”

15. It is concluded that the requested records, 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.

16. It is found, as set forth in paragraph 9, above, that the respondents did not respond to the complainant’s status requests until May 21, 2025, when they informed him that they had 307 pages of responsive records, and that such records were not actually sent to the complainant until the day of the hearing in this matter. It is also found that while the respondents indicated that they were waiting for payment from the complainant before releasing the records, they had not provided him with a final cost for copies of such records.

17. It is found, as set forth in paragraph 10, above, that the complainant sought clarification on the number of responsive records but did not receive a response.

18. It is found that the respondents provided records responsive to the complainant’s amended request, albeit on the morning of the hearing in this matter.

19. With respect to the complainant's contention that the respondents failed to provide responsive records promptly, the Commission has defined the word "promptly," as used in §§1-210(a) and 1-212(a), G.S., to mean "quickly and without undue delay, taking into account all of the factors presented by a particular request." See FOI Commission Advisory Opinion #51, In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant (Notice of Final Decision dated January 11, 1982) (hereinafter "Advisory Opinion #51").

20. Advisory Opinion #51 goes on to describe some of the factors that should be considered in weighing a request for records against other priorities: the volume of records requested; the amount of personnel time necessary to comply with the request; the time by which the requestor needs the information contained in the records; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing other agency business without the loss of personnel time involved in complying with the request.

21. Additionally, as the court recognized in Comm'r of Dep't of Emergency Servs. & Pub. Prot. v. Freedom of Info. Comm'n, No. HHBCV186047741, 2020 WL 5540637, at *3 (Conn. Super. Ct. July 2, 2020), a public agency should consider its obligations under the FOI Act as a "primary duty" of that agency, "on par with the [agency's] other significant duties, or said another way, that the agency's FOIA duty is not a second-class duty."

22. As found in paragraph 11, above, the respondents provided the complainant with copies of the requested records at the hearing on this matter. The respondents testified, and it is found, that the delay was due, at least in part, to an employee's vacation while the request was pending. It is found that the delay was also attributable to the respondents refusing to release the records until they had received payment from the complainant, despite not providing him with the final cost for copies of such records.

23. Based on the foregoing, it is found that the respondents failed to promptly provide responsive records to the complainant "quickly" and without "undue delay."

24. Accordingly, it is concluded that the respondents violated the promptness provisions in §§1-210(a) and 1-212(a), G.S.

25. At the hearing, the respondents testified that they were not aware of, and therefore had not conducted any searches for, records responsive to the request, described in paragraph 7b, above.

26. It is found that the respondents did not conduct a diligent and thorough search for responsive text messages, letters or emails as per the complainant's request described in paragraph 7b, above. It is also found that the respondents failed to put forth evidence regarding the nature and scope of their search, if any was done.

27. Therefore, it is concluded that the respondents failed to prove that they conducted a reasonable and diligent search for all records responsive to the request described in paragraph 7b, above.

28. It is further concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by failing to prove that they searched for, and provided a copy of all responsive records to the complainant.

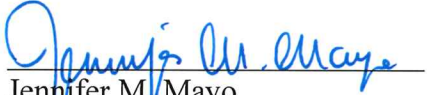
29. Notwithstanding the foregoing findings and conclusions, the Commission declines, in its discretion, to consider the imposition of a civil penalty.²

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

1. Within 60 days of the Notice of Final Decision in this matter, the respondents shall conduct a thorough search for records responsive to the requests described in paragraph 7b of the findings, above, and provide the complainant with copies of such records, free of charge, if located. The respondents shall also provide the complainant and the Commission with an affidavit prepared by a person with knowledge of the efforts taken regarding said search, detailing the scope and results of their search.

2. Henceforth, the respondents shall strictly comply with the disclosure and promptness provisions of §§1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 14, 2026.


Jennifer M. Mayo
Acting Clerk of the Commission

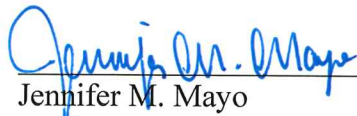
² It is noted that the Commission issued a similar order against the same respondents in Jacob Simkovitz v. Chief, Fire Dep't. Town of Easton, et al., Docket FIC# 2024-0715 (Nov. 19, 2025), declining to impose civil penalties but ordering training. The undersigned hearing officer notes that future violations, especially after completion of the FOI Act training may result in imposition of a civil penalty.

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:

JACOB SIMKOVITZ, 180 Front Street, Unit 5C, Brooklyn, CT 11201

CHIEF, FIRE DEPARTMENT, TOWN OF EASTON; FIRE DEPARTMENT, TOWN OF EASTON, 1 Center Road, Easton, CT 06612; **AND TOWN OF EASTON**, 225 Center Road, Easton, CT 06612



Jennifer M. Mayo
Acting Clerk of the Commission