

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Scott Smith,

Complainant

against

Docket # FIC 2025-0064

Town Clerk, Town of Wallingford; and
Town of Wallingford,

Respondents

January 14, 2026

The above-captioned matter was heard as a contested case on May 23, 2025, at which time the complainant and the respondents appeared 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 on December 4, 2024, the complainant sent the following request to the respondents:

I am requesting under the rights of FOIA any legal documents, letters, filings, lawsuits or pending lawsuits that have my name[,] Scott Smith[,] listed in any part of them [...] (“December 2024 request”).

3. It is found that, on December 4, 2024, the respondents acknowledged receipt of the complainant’s December 2024 request. It is found that, in such acknowledgment, the respondent town clerk pledged to search a log of lawsuits that her office maintains. It is further found that the respondent town clerk suggested that the complainant contact the law and human resources departments of the respondent town to determine whether they maintain any responsive records.

4. It is found that, on January 6, 2025, the complainant emailed the respondents to inquire about the status of his December 2024 request. It is further found that, later that same day, the respondent town clerk informed the complainant via email that her office was still searching for responsive records and again encouraged him to contact the respondent town’s law department.

5. It is found that, later in the day on January 6, 2025, the complainant emailed the respondent town clerk to narrow his December 2024 request, seeking only responsive records from the past eight (8) months. It is found that the complainant further clarified in such email that he was seeking any records where the name “Scott Smith” appears either as a named

defendant or where “my name as a taxpayer is listed in the intent [to sue] or lawsuit **in any way, shape or form**” (“January 2025 request”). (Emphasis added.)

6. It is found that, by email on January 23, 2025, the respondent town clerk informed the complainant that she “did not find anything lawsuit[-]wise in my office with your name on it.”

7. By email, filed and received by the Commission on January 30, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with records responsive to his December and January requests.

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

“[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.

9. Section 1-210(a), G.S., provides the following in relevant part:

[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.

10. 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.”

11. It is found that the records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S., to the extent that such records exist and are maintained by the respondents.

12. The respondent town clerk testified at the May 23, 2025 contested case hearing regarding her search for records responsive to the complainant’s December 2024 and January 2025 requests.

13. It is found that the respondent town receives letters of intent to sue and service of lawsuits in its town clerk’s office. It is further found that, upon receiving such records, either the respondent town clerk or a member of her staff stamps the records with the date and time

received; logs the records with a file number; files one copy in the town clerk's office in a folder marked "claims;" and walks a second copy up to the respondent town's law department.

14. It is found that the log of records described in paragraph 13, above, consists of a four-column chart on which the respondent town clerk and her staff make handwritten entries. The four columns are labeled as follows: "Date Received," "File #," "Name and Address of Complainant," and "Description of Complaint."

15. It is found that the respondent town clerk searched for records responsive to the complainant's December 2024 and January 2025 requests by first reading the log, described in paragraphs 13 and 14, above, and created in 2024 by her office, to see whether the name "Scott Smith" appeared in the log. It is found that the respondent town clerk did not locate such name in the log.

16. It is found that the respondent town clerk next read the first page of each 2024 filing in the "claims" folder maintained by her office, described in paragraph 13, above. Based upon her testimony, it is found that the respondent town clerk limited her search to the first page of such filings because the log entries are based upon information on those initial pages. It is found that the respondent town clerk did not locate the name "Scott Smith" on the first page of any such filings.

17. It is found that the respondents' understanding of public agencies' search responsibilities under the FOI Act is erroneous.¹

18. It is found that the complainant did not limit his requests only to records where he was listed as a party to a lawsuit or intended lawsuit, but rather sought records where his name appeared "in any way, shape, or form," as described in paragraph 5, above. Therefore, it is found that the respondent town clerk's search was not reasonably calculated, given that she searched only the first page of legal files that her office maintained for the year 2024. Based on the above-described findings, it is found that the respondents failed to conduct a thorough search for responsive records.

19. Accordingly, it is concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

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

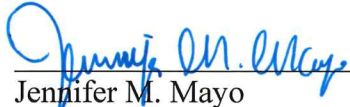
1. The respondents shall forthwith conduct a thorough search for records responsive to the complainant's January 2025 request. Such search shall include, at a minimum, all pages of records stored in the respondent town clerk's "claims" folder for the year 2024. If any such records are located, the respondents shall promptly provide copies of such records to the

¹ Regarding the sufficiency of the respondent town clerk's search for responsive records, the respondents' counsel contended at the contested case hearing that the FOI Act "does not require [public agencies] to read every single word, every single page, to search for someone's name."

complainant, free of charge. If the respondents are unable to locate any such records, they shall inform the complainant in writing of such fact and describe their search for such records.

2. Henceforth, the respondents shall strictly comply with the disclosure 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.



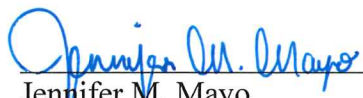
Jennifer M. Mayo
Acting Clerk of the Commission

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:

SCOTT SMITH, 16 Shetland Drive, Wallingford, CT 06492

TOWN CLERK, TOWN OF WALLINGFORD; AND TOWN OF WALLINGFORD, c/o Attorney Janis M. Small, Corporation Counsel, 45 South Main Street, Wallingford, CT 06492



Jennifer M. Mayo
Acting Clerk of the Commission