

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

David Michel,

Complainant

against

Docket # FIC 2025-0686

Tom Cassone, Director, Office of Legal
Affairs, City of Stamford; Office of Legal
Affairs, City of Stamford; and City of
Stamford,

Respondents

July 22, 2026

The above-captioned matter was heard as a contested case on March 13, 2026, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

On May 6, 2026, in response to a May 1, 2026, order of the presiding hearing officer, the respondents filed an affidavit by the respondents' Assistant Corporation Counsel Burt Rosenberg (hereinafter, "ACC Rosenberg"). Such affidavit is admitted into evidence and marked as follows: Respondents' Exhibit 4: "May 5, 2026, Affidavit of Respondents' Assistant Corporation Counsel Burt Rosenberg (4 pages)."

On June 17, 2026, the complainant submitted four after-filed exhibits. Absent objection from the respondents, certain exhibits are admitted into evidence and marked as follows: Complainant's Exhibit B: "January 30, 2026, email correspondence between Complainant and Atty. Rosenberg (1 page)." The following exhibits are not admitted into evidence and are marked as follows: Complainant's Exhibit C (for identification only): "January 26, 2024, email from Atty. Rosenberg (1 page)"; Complainant's Exhibit D (for identification only): "August 17, 2021, email from Atty. Rosenberg (1 page)"; and Complainant's Exhibit E (for identification only): "December 26, 2024, email from Atty. Rosenberg (1 page)."

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 July 23, 2025, the complainant submitted a two-part request to ACC Rosenberg.
3. It is found that, in the first part of his July 23, 2025, request, the complainant requested the following:

Kindly share in electronic form any and all email communications for the last 4 years with, from, and to,

[...]the mayor's office,

[...]the office of the Director of Public Safety, and

[...]the Police Department,

about, and/or in reference of, and/or directly mentioning 287(g) agreement (federal code), the partnership program between ICE and Local Law Enforcement, any electronic communications that are in reference, in part or in whole, to immigration enforcement from any branch of outside governments [sic]. When mentioning the office of the Mayor, I mean by that the mayor and the secretary and special assistant(s) and the rest of the Mayor's office staff. When referring to the office of the Director of Public Safety I mean communications from or to the Director of Public Safety and secretary or office worker, and then the Police Department is referring to any employee starting with the chief

(hereinafter, "Part 1" of the request).

4. It is found that, in the second part of his July 23, 2025, request, the complainant requested the following:

Please share any and all electronic communications or electronic documents, from your department, for the last 4 years, where any entity, or member(s) of the public makes a FOIA request, and specifically requests for electronic communications and/or documents and where your department replies it will provide the response in printed form and talks about a charge, or not

(hereinafter, "Part 2" of the request).

5. It is further found that, after both parts of his request, described in paragraphs 3 and 4, above, the complainant informed ACC Rosenberg that, should the respondents refuse his request for electronic records and instead produce paper copies, the complainant would file a complaint with the Commission.

6. It is found that, by email on July 25, 2025, ACC Rosenberg acknowledged the complainant's requests, described in paragraphs 3 and 4, above. It is found that, regarding the request described in paragraph 3, above, ACC Rosenberg stated that he had asked city officials and employees to provide responsive records to him, which he would then provide to the

complainant after review. It is found that, regarding the request described in paragraph 4, above, ACC Rosenberg denied the request, contending that compliance would require the respondents to perform “research” to identify responsive documents among the over three thousand (3,000) FOI requests received by the respondent city annually.

7. It is found that, by email on July 28, 2025, the complainant forwarded ACC Rosenberg’s email, described in paragraph 6, above, to the respondent Corporation Counsel Tom Cassone (“CC Cassone”).

8. By email, received and filed on July 28, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by (a) denying Part 2 of his July 23, 2025, records request as constituting “research” and (b) requiring him to accept printed copies of records when he requested records in electronic format.

9. 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.

10. 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 ... (3) receive a copy of such records in accordance with section 1-212.

11. 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.”

12. 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.

Research Denial

13. It is found that in his July 25, 2025, email, described in paragraph 6, above, ACC Rosenberg repeatedly denied Part 2 of the complainant’s request, based on the premise that it would “require extensive research” on the respondents’ part and that “the FOI Act does not

require that research be conducted for the purpose of responding to an FOI request.”

14. It is found, based on ACC Rosenberg’s May 5, 2026, affidavit, that he had eventually enlisted the help of the respondent city’s information technology department to search for emails responsive to Part 2 the complainant’s July 23, 2025, request. It is found, however, that the respondents did not provide any evidence as to when ACC Rosenberg reversed his position on complying with such request and began the aforementioned search.

15. Notwithstanding, it is found that, by email on February 13, 2026, the respondents’ senior paralegal provided the complainant with multiple PDF attachments in response to Part 2 of his July 23, 2025, request. It is further found that the respondents made such provision to the complainant 205 days after his request was originally made.

16. In *Wildin v. Freedom of Info. Comm’n*, 56 Conn. App. 683, 687 (2000) (“*Wildin*”), the Appellate Court concluded that a records request involves research if the respondents must exercise discretion to determine whether the records sought fall within the scope of the request. The court further noted, however, that a “record request that is simply burdensome does not make that request one requiring research.” *Id.*

17. It is found that Part 2 of the complainant’s July 23, 2025, request was sufficiently descriptive for the respondents to at least attempt to conduct a search. Specifically, it is found that such request identified a topic from which search terms or keywords could be derived (e.g., “FOI requests for electronic documents” and “your department replies it will provide the response in printed form and talks about a charge, or not”) and a date range from which to limit the search (i.e., “electronic communications [...] for the last four years). See Docket #FIC 2024-0656, *Michael Donnelly v. Commissioner, State of Connecticut, Dept. of Administrative Services, et al.* (October 22, 2025).

18. It is found that the respondents demonstrated that it was in fact possible for them to conduct a search for and locate records responsive to Part 2 of the complainant’s July 23, 2025, request, as described in paragraphs 14 and 15, above.

19. It is found that the respondents failed to prove that they would have to exercise discretion to determine whether a record was within the scope of Part 2 of the complainant’s July 23, 2025, request.

20. Accordingly, it is found that Part 2 of the complainant’s July 23, 2025, request did not require “research” as defined in *Wildin*, and the respondents were obligated to conduct a thorough and diligent search for the records requested therein.

21. It is found that, although the respondents eventually provided records purportedly responsive to Part 2 of the complainant’s July 23, 2025, request, as described in paragraph 15,

above, such provision was unnecessarily delayed, and therefore responsive records were not provided “promptly” within the meaning of §1-212(a), G.S.

22. Based on the foregoing findings, it is concluded that the respondents violated the promptness provisions of §1-212(a), G.S.

Electronic Record Format and Fees

23. The complainant also challenged the respondents’ contention that a public agency has the discretion to decide whether to provide hard copy records or electronic records to a requester, despite the requester’s preference, and therefore may choose to charge a per-page fee in the event that hard copy records are provided.

24. It is found that, although ACC Rosenberg did espouse the position described in paragraph 23, above, it was done in regards to previous requests made by the complainant and not the July 23, 2025, request at issue in the instant matter.

25. It is further found that, regarding the complainant’s July 23, 2025, request at issue, at no time did the respondents refuse to provide him with electronic copies per his request, nor did they attempt to charge him a fee for the records provided to him, as described in paragraph 15, above.

26. Therefore, it is concluded that the respondents did not violate the formatting or fee provisions of the FOI Act set forth in §§1-211(a), 1-212(a), and 1-212(b), G.S., as interpreted in the Commission’s Final Decision in Docket #FIC 2022-0075, *Paul Calebaugh v. Town Clerk, Town of East Granby, et al.* (January 25, 2023) (“*Calebaugh*”).¹

27. The Commission, in its discretion, declines to consider the imposition of a civil penalty upon the respondents for the violation described in paragraph 22, above.

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

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

¹ In *Calebaugh*, the Commission found that, “when §1-211(a), G.S., and §1-212(b), G.S., are read together, it is clear that, with regard to computer-stored public records, a requester may dictate the specific format of the record, and a public agency must provide the record in said format, if the agency can reasonably make such copy or have such copy made.” The Commission reached this conclusion most recently at its July 8, 2026, meeting in Docket # FIC 2025-0627, *Christopher Reh v. Nancy Navarretta, Commissioner, State of Connecticut, Department of Mental Health and Addiction Services*.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 22, 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:

DAVID MICHEL, 4 Rockledge Drive, Stamford, CT 06902

**TOM CASSONE, DIRECTOR, OFFICE OF LEGAL AFFAIRS, CITY OF STAMFORD;
OFFICE OF LEGAL AFFAIRS, CITY OF STAMFORD; AND CITY OF STAMFORD**, c/o
Attorney Michael S. Toma, Office of Corporation Counsel, City of Stamford, 888 Washington
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Jennifer M. Mayo
Acting Clerk of the Commission