

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Sheila McCreven,

Complainant

against

Docket # FIC 2025-0738

Town Clerk, Town of Woodbridge; Chair,
Beecher Road School Infrastructure
Upgrade Building Committee, Town of
Woodbridge; Beecher Road School
Infrastructure Upgrade Building Committee,
Town of Woodbridge; and Town of
Woodbridge,

Respondents

July 22, 2026

The above-captioned matter was heard as a contested case on March 5, 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 letter dated July 21, 2025 and emailed on July 21, 2025, to the Town Clerk ("Town Clerk") for the Town of Woodbridge ("Town"), the complainant requested a copy of the following records "associated with the Beecher Road School Infrastructure Upgrade Building Committee [(the "Committee")] from January 1, 2025 through July 18, 2025[:]"

[a.] Meetings (Jan-Jun 2025)

Please include the following meetings, and any others held during this period:

- Jan 9, 2025	- Mar 27, 2025	- May 22, 2025
- Jan 23, 2025	- Apr 3, 2025	- June 12, 2025
- Feb 12, 2025	- Apr 10, 2025	- June 18, 2025
- Feb 13, 2025	- Apr 24, 2025	- June 26, 2025
- Feb 27, 2025	- May 5, 2025	
- Mar 13, 2025	- May 8, 2025	

For each of the above meetings...:

- Agendas

- Draft and final minutes
- Any distributed materials (presentations, handouts, reports, exhibits)
- Audio or video recordings if made
- Notices of special meetings or amendments to agendas

[b.] Correspondence

All emails and communications that relate to the work of the committee during the same period (January 1-present) between or among:

- Committee members or liaisons
- Town officials and TOW consultants or contracted service providers
- Outside consultants or vendors

[c.] Contracts & Proposals from architects, engineers, project managers, or consultants engaged by or under consideration by the committee[.] Copies of all:

- Contracts or agreements
- Proposals or RFP submissions
- Scopes of work

[d.] Financial Records

Any records that show:

- Cost estimates
- Project budgets
- Consultant invoices
- Payment authorizations
- Appropriations or capital planning documentation
- Any legal service billing details associated with the committee's work

(“July 21, 2025 request”). (Bold in original.)

3. It is found that, by email dated July 28, 2025, the complainant emailed the respondent Town Clerk requesting a status update concerning the July 21, 2025 request.

4. It is found that, prior to July 28, 2025, the Town Clerk was unaware of the complainant’s July 21, 2025 request and, on July 29, 2025, she located the email to which the July 21, 2025 request was attached in her junk email folder.

5. It is found that, by email dated July 28, 2025, the Town Clerk forwarded to the complainant copies of the responsive records that the Town Clerk possessed and maintained as of the date of the July 21, 2025 request, which included minutes and agendas for the Committee meetings.

6. It is found that, by email dated July 28, 2025, the Town Clerk forwarded the July 21, 2025 request to certain members of the Committee, the Director of Finance for the Town (“Finance Director”), and the attorney for the Town (“Town Counsel”).

7. It is found that, by email dated August 8, 2025, the Town Clerk forwarded to the complainant copies of responsive email communications and attachments that the Chair of the Committee had forwarded to the Town Clerk. It is further found that, on August 8, 2025, the Town Clerk informed the complainant that the Committee's meetings are not recorded and that any materials used during the meetings are provided with the agendas and the minutes for the respective meetings.

8. It is found that, in August 2025, the Town Clerk provided the complainant with certain responsive records that the Finance Director had forwarded to the Town Clerk.

9. By email dated and filed August 14, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide her with a copy of all the requested records.

10. 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.

11. 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.

12. 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."

13. It is concluded that the requested records, to the extent they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

14. It is found that the Committee oversees capital projects associated with the Town's Beecher Road School.

15. It is found that, on February 10, 2026, Town Counsel provided the complainant with additional Committee records responsive to the July 21, 2025 request.

16. At the hearing on this matter, the Town Clerk testified, and it is found, that the Town Clerk searched for all responsive records maintained in her office and provided all responsive records to the complainant without redactions. It is further found that the respondent Town Clerk conducted a diligent and thorough search for all responsive records maintained by her office.

17. At the hearing on this matter, the complainant argued that there are additional responsive records, including emails maintained by certain members of the Committee, that the Town Clerk did not provide to her. The complainant testified that the Town's prior counsel had previously informed her that she should send FOI Act requests to the Town Clerk for processing. The complainant contended that she therefore believed that the Town Clerk was the FOI Act officer for the Town and that the Town Clerk was obligated to provide her with the additional responsive records that she contended existed. It is further found, however, that the complainant could not recall when such prior counsel had made such statement to her, nor did she provide any additional evidence supporting her claim.

18. It is found that the records described in paragraph 17, above, are not maintained or kept on file by the Town Clerk. Rather, such records are maintained or kept on file by the Committee, its members, or some other separate department.

19. At the hearing on this matter, the Town Clerk testified, and it is found, that the Town Clerk does not have a legal obligation to forward FOI Act requests to other departments within the Town nor authority over any other separate department within the Town concerning their responses to FOI Act requests.

20. 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) ("*Lemcke*"), 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) (appellate court's order remanding the case to the Commission for further evidence was reversed) ("*Lash*").

21. 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 had possession of any documents that would be responsive to the records request at issue therein. *Lash*, 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. *Id.*, 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, [the first selectman] 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. See also *Goldenberg v. Corporation Counsel, Office of the Corporation Counsel, City of New Haven, et al.*, Docket #FIC 2023-0167 (February 28, 2024); *Yoxall v. King, Office of Corporation Counsel, City of New Haven, et al.*, Docket #FIC 2021-0393 (May 11, 2022); *Haythorn v. Town Administrator, Town of Weston, et al.*, Docket #FIC 2021-0619 (October 12, 2022).

22. It is found that, while the Town Clerk provided the July 21, 2025 request to members of the Committee, the Finance Director, and Town Counsel, she did so as a courtesy and was under no legal obligation to do so. Moreover, the fact that the Town Clerk forwarded the complainant's request to the Committee, the Finance Director, and Town Counsel does not create an obligation for such departments to respond to her request. See *Howard v. Town Manager, Town of Hebron, et al.*, Docket #FIC 24-0578 (September 10, 2025); *Salvas v. Town Clerk, Town of Sterling, et al.*, Docket #FIC 2025-0130 (February 11, 2026).¹

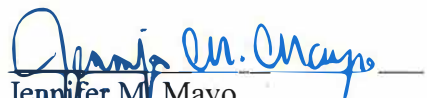
23. Accordingly, it is concluded that the Town Clerk was only required to provide the complainant with responsive records that the Town Clerk maintains, and as set forth in paragraphs 5 and 16, above, the Town Clerk provided the complainant with such responsive records.

24. It is therefore concluded that the respondents did not violate the FOI Act, as alleged by the complainant.

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

1. The complaint is hereby dismissed.

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

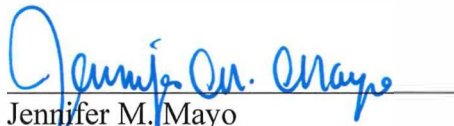
¹ It is noted, however, that the Town Clerk, in August 2025 provided the complainant with records she received from other departments and that, on February 10, 2026, Town Counsel provided the complainant with additional responsive records. See ¶¶ 7, 8 and 15, above. In addition, it is noted that Town Counsel informed the complainant that no responsive audio or video recordings existed.

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:

SHEILA MCCREVEN, 63 Center Road, Woodbridge, CT 06525

TOWN CLERK, TOWN OF WOODBRIDGE; CHAIR, BEECHER ROAD SCHOOL INFRASTRUCTURE UPGRADE BUILDING COMMITTEE, TOWN OF WOODBRIDGE; BEECHER ROAD SCHOOL INFRASTRUCTURE UPGRADE BUILDING COMMITTEE, TOWN OF WOODBRIDGE; AND TOWN OF WOODBRIDGE, c/o Attorney Nicholas R. Bamonte, Berchem Moses P.C., 1221 Post Road East, Westport, CT 06880



Jennifer M. Mayo
Acting Clerk of the Commission