

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

John Slusarski,

Complainant

against

Docket #FIC 2025-0635

Comptroller, State of Connecticut,
Office of the State Comptroller; and
State of Connecticut, Office of the State
Comptroller,

Respondents

July 8, 2026

The above-captioned matter was heard as a contested case on January 2, 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 on May 28, 2025, the complainant requested from the respondents:

all correspondence and detailed calculations regarding the expected savings from the 2023 [Connecticut Municipal Employee Retirement System (“CMERS”)] reform as contained in the State Controller’s [sic] document 2023_mers_reform.php which showed savings of \$32.369m in FY 2024 and \$843.131m over the next 31 years. Please provide the detailed calculations that support each of the individual reforms along with the back up data. Please also provide any revisions to those calculations.
3. It is found that on June 23, 2025, the respondents provided the complainant with: (i) a May 3, 2023 press release from the Office of the State Comptroller regarding the CMERS reforms and the estimated savings; and (ii) a spreadsheet containing projected savings for municipalities throughout the state corresponding to the figures cited in the complainant’s request.

4. It is found that on June 25, 2025, the complainant informed the respondents that the records described in paragraph 3, above, were not responsive to his request. Specifically, the complainant indicated that the spreadsheet containing the projected savings for municipalities “[j]ust shows a bunch of numbers with no calculations supporting those numbers.”

5. It is found that on July 17, 2025, the complainant resubmitted his request described in paragraph 2, above, to the respondents. It is further found that on that same day the respondents provided the complainant with the same records described in paragraph 3, above.

6. By complaint filed on July 18, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide all records responsive to his request described in paragraph 2, above.

7. 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.

8. 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.

9. 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.”

10. It is concluded that the records described in paragraph 2, above, 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.

11. The respondents testified, and it is found, that the CMERS savings cited in the complainant’s request described in paragraph 2, above, were provided by a third-party actuarial consulting service (the “Consultants”) using census data for municipal employees and retirees.¹ It is found that the Consultants incorporated such census data into their actuarial software, which

¹ At the January 2, 2026 hearing in this matter, the complainant testified that he was not interested in receiving the census data provided to the Consultants.

was then used to generate different outcomes based on a variety of scenarios (or “assumptions”) regarding the CMERS reforms.

12. It is further found that all calculations based on such assumptions were automated through the Consultants’ actuarial software. It is found that the only output from the Consultants’ actuarial software is a spreadsheet similar to that provided to the complainant as described in paragraph 3, above.

13. It is found that the respondents confirmed with the Consultants that they did not maintain any other document that included or summarized the assumptions used to generate the spreadsheet with the projected savings. Rather, the respondents testified, and it is found, that the assumptions used by the Consultants were “inputs” into the actuarial software based on the terms of the proposed reforms and were not otherwise recorded.

14. It is found that the projected savings generated from the Consultants’ actuarial software were based on the proposed CMERS reforms as a package, and that calculations for individual reforms could not be isolated. It is further found that the complainant’s request was not for all records concerning the proposed CMERS reforms generally, but for records supporting the specific estimated savings cited in his request. It is found that the respondents did not maintain separate calculations, or revised calculations, supporting that specific estimated savings figure.

15. Accordingly, it is found that the respondents (either directly or via their Consultants) did not maintain the “detailed calculations” sought by the complainant in his request described in paragraph 2, above.

16. With respect to the complainant’s request for correspondence, it is found that such request was limited to correspondence pertaining only to the “expected savings from the 2023 CMERS reform as contained in the State Controller’s [sic] document 2023_mers_reform.php. . .”

17. As found in paragraph 3, above, in addition to the spreadsheet generated from the Consultants’ actuarial software, the respondents provided the complainant with a copy of a press release detailing the CMERS reforms and reflecting the expected savings cited by the complainant.

18. It is found that in developing the CMERS reforms, the respondents created a “working group” which included the respondents’ Director of the Retirement Services Division (“Director”), the respondents’ Assistant Director², and the respondents’ former Policy Director.

19. It is found that the respondents’ Director acted as the intermediary between the respondents’ working group and the Consultants. Specifically, it is found that the respondents’ Director would discuss the impact of proposed reforms with the Consultants and relay that information to the working group. It is found that the Consultants’ actuary also attended working group meetings and used those discussions to derive the various assumptions/inputs used to

² The respondents’ Assistant Director is an attorney and appeared on behalf of the respondents in the instant matter.

generate the outcomes in the actuarial software. It is further found that while the respondents' Director frequently conversed with the Consultants regarding the estimated CMERS savings, such conversations took place via telephone.

20. It is found that shortly after receiving the complainant's request described in paragraph 2, above, the respondents directed the individuals involved in the working group to search their email accounts for responsive correspondence.³

21. It is found that the respondents' Director conducted a search of his own emails for records responsive to the complainant's request. The respondents' Director testified, and it is found, that, based on his prior communications with the complainant regarding the same records, he tailored his search to exclude correspondence regarding the CMERS reforms that did not pertain to the expected savings cited in the complainant's request described in paragraph 2, above.

22. It is further found that on May 29, 2025, the respondents conducted a search of the email account for the former Policy Director via an eDiscovery request to the Department of Administrative Services ("DAS") using the following parameters:

Date Range: 01/01/2023 through 12/31/2023

Mailboxes to be Searched: charlotte.moller@ct.gov

Keywords: CMERS OR MERS OR DROP OR "Connecticut Municipal Employees Retirement System" OR reforms

23. It is found that on May 30, 2025, DAS completed the eDiscovery search described in paragraph 22, above, identified over 2,000 "Estimated Records,"⁴ of which the respondents identified the two records described in paragraph 3, above, as responsive to the complainant's request.

24. It is found that although the eDiscovery request described in paragraph 22, above, returned over 2,000 "Estimated Records," such search far exceeded the scope of the complainant's request described in paragraph 2, above. Specifically, the complainant sought correspondence and detailed calculations pertaining to the "expected savings from the 2023 CMERS reforms" as captured by a particular document. It is found, however, that the eDiscovery request would identify all email correspondence that contained *any* of the words or phrases outlined in paragraph 22, above, regardless of the context, provided they fell within the prescribed timeframe. It is found, therefore, that the number of records identified by DAS is not

³ Although acting as counsel for the respondents, the respondents' Assistant Director represented that he searched his emails and did not locate any records responsive to the complainant's request described in paragraph 2, above.

⁴ The DAS eDiscovery response identifies 2,151 "Estimated Records." The response does not indicate whether the figure refers to email messages, attachments, keyword hits, or some other measure of search or export volume. Accordingly, the Commission does not construe that figure as establishing the number of "public records or files" within the meaning of §1-200(5), G.S., maintained by the respondents and responsive to the complainant's request. Rather, for purposes of this matter, the 2,151 figure is understood only as an estimate of the general volume of material identified by the eDiscovery search.

representative of the number of records responsive to the complainant's request for correspondence.

25. It is found that as a result of the eDiscovery search, the respondents only identified the same two records already identified by the respondents' Director as responsive to the complainant's request described in paragraph 2, above. It is found that such result is consistent with: (i) the scope of the complainant's request; (ii) the fact that the respondents' Director was the point of contact for the Consultants; and (iii) the respondents' Director's testimony that correspondence regarding estimated savings from the CMERS reforms took place via telephone.

26. Based on the specific facts and circumstances of this case, it is found that the respondents conducted a reasonably thorough and diligent search for records responsive to the complainant's request by: (i) searching relevant email accounts for records pertaining to the estimated savings cited by the complainant in his request, described in paragraph 2, above; and (ii) confirming with their Consultants that no records containing detailed calculations from which such savings were derived existed.

27. It is found that at the January 2, 2026 hearing in the instant matter, the respondents discovered that they had inadvertently excluded the cover email from the Consultants containing the spreadsheet described in paragraph 3, above. The respondents provided the complainant with a copy of such cover email on January 6, 2026.⁵ Although the respondents did not initially provide the cover email transmitting the spreadsheet described in paragraph 3, above, it is found that such omission was inadvertent, that the attachment to such email had already been provided to the complainant, and that the respondents provided the cover email promptly after discovering the omission.

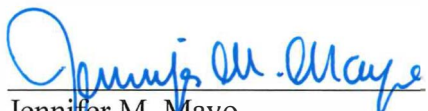
28. Based on the foregoing, it is found that the respondents provided the complainant with all records responsive to his request described in paragraph 2, above, that they maintained.

29. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., 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 8, 2026.



Jennifer M. Mayo
Acting Clerk of the Commission

⁵ The respondents' January 6, 2026 correspondence forwarding the cover email to the complainant, as well as the complainant's response thereto, is hereby marked in evidence as Joint Exhibit 1 (after-filed).

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:

JOHN SLUSARSKI, 40 Grandview Drive, Newington, CT 06111

**COMPTROLLER, STATE OF CONNECTICUT, OFFICE OF THE STATE
COMPTROLLER; AND STATE OF CONNECTICUT, OFFICE OF THE STATE
COMPTROLLER**, c/o Attorney Yamuna Menon and Attorney Robert D. Helfand, Office of the
State Comptroller, 165 Capitol Avenue, Hartford, CT 06106



Jennifer M. Mayo
Acting Clerk of the Commission