

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Tim Howard,

Complainant

against

Docket # FIC 2025-0677

Chair, Board of Trustees, Douglas Library
of Hebron; Board of Trustees, Douglas
Library of Hebron; Town Manager, Town of
Hebron; Town Clerk, Town of Hebron; and
Town of Hebron,

Respondents¹

July 8, 2026

The above-captioned matter was heard as a contested case on February 26, 2026 and April 13, 2026, at which times the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

Subsequent to the hearing, the complainant submitted an after-filed exhibit on May 1, 2026, containing a document, apparently prepared by the complainant, identified as excerpts from a written transcript of the Douglas Library of Hebron, Board of Trustees meeting held on July 14, 2025, to which the respondents objected. The hearing officer hereby sustains the respondents' objection to such after-filed exhibit and has marked it, for identification purposes only, as follows: *Complainant's Exhibit F (after-filed/ID Only)*: Transcript Excerpts, Douglas Library Board of Trustees Meeting, July 14, 2025.

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 June 30, 2025, the complainant hand-delivered, to the **Town Clerk, Town of Hebron** a letter (the "June 30, 2025 request"), at the top of which was listed the following:

Mr. Andrew Tierney – Town Manager[;] Donna Lanza – Town
Liaison to Trustees of Douglas Library of Hebron – c/o Town
Manager's office[;] Board of Selectmen, Town of Hebron, c/o

¹ The caption has been updated to reflect that the Town Clerk, Town of Hebron has been added as a respondent in this matter, in light of the finding in paragraph 2, below, that the complainant hand-delivered his records request to such Town Clerk.

Town Manager, Town of Hebron[;] Douglas Library Board of Trustees – current and former Trustees – c/o Douglas Library of Hebron[;] Douglas Library Staff – c/o Town Manager[;] c/o Town of Hebron[.]

It is further found that, in the June 30, 2025 request, the complainant states “To Whom it May Concern:” and then goes on to make the following request:

I am requesting copies of public records related to the Friends of Douglas Library of Hebron. This includes any and all correspondence between the library director or staff, any and all of the Douglas Library Board of Trustees, anyone in the Town Manager’s office, the Town Attorney’s Office, and the Board of Selectmen, that may mention the Library and/or the Friends of the Douglas Library (including any abbreviations such as FOL, FODL, Friends, etc., or myself) for the period of January 1, 2024 through today, June 20, 2025. Since it is known that the library director has used a personal email account during her work hours, while at the library, to send a formal complaint letter related to the Friends of the Library, I expect that this public records request will include any and all records from the library director or staff, any town employee and/or any board member’s personal or work email accounts. When personal email has been used by town officials to conduct town business, these emails are public records. This public records request should also please include complete copies and a detailed listing of any, and all organizations and solicitation done purporting to be in collaboration with, or on behalf of the Friends, to benefit the library, including dates solicited, addresses and phone numbers, dates received, amounts and a description of any donations.

3. It is found that, in the June 30, 2025 request, the complainant also stated the following:

Previously, I have requested records through August 1, 2025, and later through September 17, 2025. Once again, I thank you for providing the partial response that was "readily available". I am appreciative of the partial response of records on the thumb drive provided pursuant to my ongoing complaint to the Freedom of Information Commission, under Docket number 2024-0578. However, these records are incomplete for the following reasons –

- There are no email records from the Town Manager nor any of his staff after the preliminary "readily available" batch was provided.
- There are no Library Trustees' meeting packets.

- There are no email records from ANY of the library Trustees other than from Meg Clifton. I am grateful to Ms. Clifton for her good-faith response to date. I am in particular interested in any and all emails from the current and former co-chairs of the Trustees, Patricia Ayars, Gail Richmond, and Kirk Smallidge.
- I would happily accept a notarized statement from each of the other current and former Trustees, individually, indicating that they have each read through the material compiled by Ms. Clifton, and then, whether or not they had any additional applicable records for that period.
- There was no response from the Library Director, Drusilla Carter.
- There was no response from the Children's Librarian - Lida Carrol.
- There was no response from the Library Head of Circulation - Claire Betz.
- There was no response from two members of the Board of Selectmen.

4. It is found that, by email dated July 2, 2025, the respondent Town Manager acknowledged the June 30, 2025 request, and stated:

this correspondence is to reply that we are in receipt of your request for an FOI dated June 30th 2025 we will work on this request and supply the information that we have within this office and we'll inform you if there's any charges or any other entities you should be seeking out to obtain this type of information.

5. By complaint filed July 29, 2025, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with a copy of the requested records.

6. It is found that, by email dated November 24, 2025, the respondent Town Manager responded to the complainant's June 30, 2025 request stating as follows:

The Town Manager's Office has completed production of the emails requested in your letter, dated June 30, 2025, and produced a thumb drive. The drive contains emails from Donna Lanza, Dori Wolf, and Andrew Tierney. Legally privileged information has been redacted by the town's attorney, Hollaran Sage, LLP [sic.]. You can collect the drive at the Town Manager's Office.

7. It is found that, by email dated December 2, 2025, the complainant responded to the respondent Town Manager's email described in paragraph 6, above, with a number of questions and highlighting that he was seeking records of the Douglas Library (the "Library") of the Town of Hebron ("Town"); the Library director (the "Library Director"); Library staff (the "Library

Staff”); the Board of Trustees of the Library (the “Board of Trustees”); and the Board of Selectmen of the Town (the “Board of Selectmen”).²

8. 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.

9. 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.

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 concluded that the records described in the June 30, 2025 request, to the extent such records exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

12. It is found that the complainant’s June 30, 2025 request sought records maintained by the Library; the Library Director; the Library Staff; the Board of Trustees; the Town Manager; the Town Attorney’s Office; and the Board of Selectmen and **not** the Town Clerk. It is further found that the Town Clerk did not maintain any records responsive to the June 30, 2025 request.

13. 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) (“*Lash*”).

² The Commission notes that, in his December 2, 2025 email, the complainant posed a series of questions to the respondents. It is well settled that nothing in the FOI Act requires a public agency to answer questions, and that the Commission has no authority to compel public agencies to answer a requester’s questions. *Albright-Lazzari v. Murphy*, No. CV105014984S, 2011 WL 1886878, at *3 (Conn. Super. Ct. Apr. 21, 2011). Nonetheless, counsel for the Town Manager responded to such questions on December 4, 2025.

14. 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, Lash 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.

15. At the hearings and on brief, the complainant contended that his request was properly provided to the Town Clerk because he believed the Town Clerk informed him over the telephone that he may bring his records request to the Town Clerk; according to the complainant, the Town Clerk's website stated that the Town Clerk processed all FOI Act requests; and because he put the names of the respective agencies on his request, those agencies were obligated to respond to his request even though he hand-delivered his request to the Town Clerk and not to any of the agencies listed in his request.

16. At the hearings and in their post-hearing brief, the respondents argued, in reliance on *Lash*, that the Library; the Library Director; the Library Staff; the Board of Trustees; the Town Manager; the Town Attorney's Office; and the Board of Selectmen had no duty to make available the requested records because the complainant failed to submit the June 30, 2025 request to their agencies. The respondents further argued that the Town Clerk had no duty to maintain or disclose the records of such respondents and that the Town Clerk has not been designated to serve as their agent for the purpose of receiving FOI Act requests.

17. At the hearing on April 13, 2026, the Town Clerk and the Acting Town Manager for the Town of Hebron testified on behalf of the respondents. Based upon their credible testimony as well as the respondents' documentary evidence, it is found that the Town Clerk's website does not instruct that all FOI Act requests intended for any Town agency be submitted to the Town Clerk; the Town's website does not provide specific guidance regarding submitting records

requests to Town agencies; the Town Clerk's office is located at 15 Gilead Street in Hebron; and the address of the Library, the Library Director, the Library Staff and the Board of Trustees is 22 Main Street in Hebron.

18. Although the complainant testified that he called the Town Clerk's office and was told that he could submit a records request to the Town Clerk, it is found that he failed to specify the details of such conversation or that he specifically described his specific request during the telephone conversation. It is further found that he could not remember the name of the person with whom he spoke. Whereas the Town Clerk credibly testified, and it is found, that she did not recall any such telephone conversation. The Town Clerk also credibly testified, and it is found, that although she might at certain times forward FOI Act requests to the Town Manager or to other agencies within the Town if such requests are emailed to her, no such policy of the Town or the Town Clerk's office existed that stated the Town Clerk would or must accept all FOI Act requests on behalf of all boards, commissions, or agencies of the Town; nor did the Town's website instruct individuals to submit all such requests to the Town Clerk.

19. It is found that the Town Manager, the Library (which includes its staff), the Board of Selectmen, the Board of Trustees, the Town Attorney, and the Town Clerk are all "distinct public agencies" as described in *Lash*.

20. It is found that the Town Clerk does not maintain the records of the Town Manager, the Library, the Library Director, the Library staff, the Board of Selectmen, the Board of Trustees, or the Town Attorney.

21. It is found that, while the Town Clerk provided the June 30, 2025 request to the Town Manager, she did so as a courtesy and was under no legal obligation to do so.³ Moreover, the fact that the Town Clerk forwarded the complainant's request to the Town Manager does not create an obligation for the Town Manager to respond to his request. *See e.g., Howard v. Town Manager, Town of Hebron, et al.*, Docket #FIC 24-0578 (September 10, 2025) ("*Howard I*"). (finding that even though the Town Manager reached out to other public agencies and facilitated the provision of some records, he did so as a courtesy and was under no legal obligation to do so). It is further found that the Town Clerk did not provide a copy of the request to the other agencies listed in the June 30, 2025 request; nor was she under any legal obligation to do so.

22. The Commission takes administrative notice of the final decision and administrative record in *Howard I*. *Howard I* involved the same complainant, same Town Manager and same Town as this matter and, in that matter, the complainant provided a similar records request to the Town Manager but failed to provide such request to the Library, the Library Director, the Library staff, the Board of Selectmen, the Board of Trustees, or the Town Attorney. In *Howard I*, the Commission found that the Town Manager did not maintain the records of the Library, Library Director, the Library Staff, the Board of Selectmen, the Board of Trustees, or the Town Attorney and that the Town Manager did not violate the FOI Act with respect to records that existed and were maintained by the Library, the Library Director, the Library Staff, the Board of

³ The Commission notes that, although the complainant did not deliver the request to the Town Manager, the Town Manager and the staff of the Town Manager's office searched for, and provided the complainant with, records responsive to his June 30, 2025 request. See paragraph 6, above.

Selectmen, the Board of Trustees, and the Town Attorney. The Commission, in *Howard I*, also noted that, “[t]o the extent the complainant desires to obtain copies of public records from the Library, the Library Director and Library Staff, the Board of Selectmen, the Town Attorney, or the Board of Trustees, or any other agency of the Town of Hebron, he may file a public records request with those specific departments.” *Howard I*, paragraph 26, note 6; citing *Lemcke*. It is found that, despite this instruction, the complainant provided the June 30, 2025 request to the Town Clerk instead of submitting the request to the various individual public agencies set forth in his June 30, 2025 request.

23. At the hearings and on brief, the complainant contended that, based on certain discussions concerning his records request that he alleged occurred at the Board of Trustees meetings, the Board of Trustees must have known about the June 30, 2025 request and therefore had a duty to respond to it. As found in paragraph 2, above, the complainant solely delivered his June 30, 2025 request to the Town Clerk. In addition, the complainant further testified, and it is found, that he did not send the request via email. Accordingly, such other agencies had no legal duty to respond to a records request that the complainant never provided to them. *See Howard I; Lemcke; see also Ethan Book v. Mayor, City of Bridgeport, et al.*, Docket #FIC 2018-0401 (finding that the Mayor’s Office was not legally bound to go to the City Clerk and collect that agency’s land records in order to fulfill a FOI Act request made to the Mayor’s Office in reliance upon the decision in *Lash*).

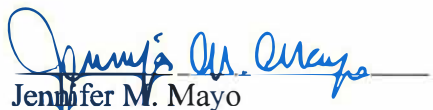
24. While the complainant wishes to liken this case to *Kosinski v. State of Connecticut, Neutral Arbitrator Selection Comm’n, et al.*, #FIC 2024-0231 (April 9, 2025), where the Commission found that the Director of the State of Connecticut, Board of Mediation and Arbitration acted as an agent for the State of Connecticut, Neutral Arbitrator Selection Commission for purposes of receiving the FOI Act request in that case; the evidence, in this matter, in no way demonstrates any such agency relationship between the Town Clerk and the Library, the Library Director, the Library Staff, the Board of Trustees, the Board of Selectmen, the Town Manager or the Town Attorney.

25. It is therefore concluded, under the facts of this case, and in accordance with *Lash*, that the respondents did not violate the provisions of §§1-210(a) and 1-212(a), G.S., with respect to the June 30, 2025 request.

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.

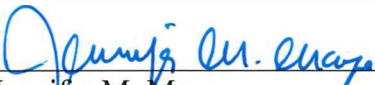

Jennifer M. Mayo
Acting Clerk of the Commission

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:

TIM HOWARD, 87 Jennifer Drive, Hebron, CT 06248

CHAIR, BOARD OF TRUSTEES, DOUGLAS LIBRARY OF HEBRON; BOARD OF TRUSTEES, DOUGLAS LIBRARY OF HEBRON; TOWN MANAGER, TOWN OF HEBRON; TOWN CLERK, TOWN OF HEBRON; AND TOWN OF HEBRON, c/o Attorney Kenneth R. Slater Jr., Halloran & Sage LLP, 225 Asylum Street, Hartford, CT 06103


Jennifer M. Mayo
Acting Clerk of the Commission