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STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Karen Gaston,

Complainant

against

Docket # FIC 2025-0207

Commissioner, State of Connecticut,
Department of Development Services; and
State of Connecticut, Department of
Development Services,

Respondents

June 10, 2026

The above-captioned matter was heard as a contested case on November 18, 2025, at which time the complainant and 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 email dated June 28, 2025, the complainant requested that the respondents provide her with “log in records for the program Web/Res Day from March of 2019 to present day.” It is found that the complainant’s request included the condition that such search “[s]hould [include] everyone with times that ever logged into Web/Res/Day system for Elegant Clinical Corporation.”
3. By complaint filed July 7, 2025, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with her June 28, 2025 request.
4. 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.
5. 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 (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.

6. 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.”

7. It is concluded that the records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

8. At the hearing on this matter, the complainant alleged that the respondents did not comply with her June 28, 2025 request.

9. In response, the respondents contended at the hearing that they did not receive the June 28, 2025 request because the complainant addressed such request to an invalid and nonexistent email address – [“foia.dds@ct.gov”](mailto:foia.dds@ct.gov).

10. Additionally, the respondents contended that they previously received and fulfilled a January 21, 2025 request (“January 21, 2025 request”) from the complainant for records the respondents alleged are the same records the complainant sought in her June 28, 2025 request.¹ The respondents argued that this relieved them of the obligation to, or otherwise constituted, compliance with the complainant’s June 28, 2025 request.

11. With regard to the respondents’ contention that they did not receive the complainant’s June 28, 2025 request, when the hearing officer inquired, the respondents’ attorney, an employee of the respondent Department, confirmed that [“gerald.gore@ct.gov”](mailto:gerald.gore@ct.gov), which was the first email address listed on the “To:” line of the complainant’s June 28 request, is his correct email address. However, upon further inquiry by the hearing officer, the respondents offered no explanation regarding their lack of receipt of the complainant’s June 28, 2025 request despite it being correctly addressed to [“gerald.gore@ct.gov”](mailto:gerald.gore@ct.gov).

12. At the hearing on this matter, the complainant testified, and it is found, that, in past interactions with the respondents, she has been instructed to email records requests of the respondents to their attorney at [“gerald.gore@ct.gov”](mailto:gerald.gore@ct.gov). It is found that the complainant’s June 28, 2025 request was properly addressed to the respondents via the respondents’ attorney at his email address: [“gerald.gore@ct.gov”](mailto:gerald.gore@ct.gov). It is therefore found, contrary to the respondents’ assertion, that the respondents received the complainant’s June 28, 2025 request via the complainant’s email addressed to [“gerald.gore@ct.gov”](mailto:gerald.gore@ct.gov) on June 28, 2025, at 1:02 PM.

13. With regard to the respondents’ contention that they complied with the June 28, 2025 request by previously fulfilling the complainant’s January 21, 2025 request, it is found that the

¹ The Commission notes that at the hearing on this matter the complainant claimed that the records provided to her in response to her January 21, 2025 request were neither responsive to that request nor are they responsive to her June 28, 2025 request that is at issue in this matter.

January 21, 2025 request sought records similar² to those sought by the complainant in her June 28, 2025 request at issue in this matter, as described in paragraph 2, above.

14. It is found that on direct examination, the respondents' witness testified extensively *only* as to the respondents' previous efforts in February of 2025 to fulfill the complainant's January 21, 2025 request; offering no testimony with regard to efforts made to comply with the complainant's June 28, 2025 request.

15. The Commission notes that there is nothing in the FOI Act that bars a requester from making successive requests for records to the same public agency. See Town of W. Hartford v. Freedom of Info. Comm'n, 218 Conn. 256, 260 (1991) ("[T]he Freedom of Information Act does not bar successive requests or successive denials...").

16. Based on all of the foregoing, it is found that the respondents failed to provide sufficient evidence regarding the nature and scope of their search as to the complainant's June 28, 2025 request, and therefore, failed to prove that they conducted a diligent and thorough search for records responsive to the June 28, 2025 request. Accordingly, it is found that the respondents failed to prove that they provided the complainant with all records responsive to her June 28, 2025 request.

17. Therefore, 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. Within fourteen (14) days of the date of the Notice of Final Decision in this matter, the respondents shall undertake a search for all records responsive to the complainant's June 28, 2025 request. The respondents shall provide the complainant with a copy of such records, if any are located, and free of charge.

2. Within fourteen (14) days of the date of the Notice of Final Decision, the respondents shall also provide an affidavit to the complainant and the Commission, prepared by a person with knowledge of the efforts taken, and detailing the scope and results of their search ordered above.

3. 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 June 10, 2026.


Jennifer M. Mayo
Acting Clerk of the Commission

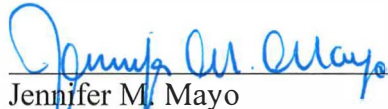
² The Commission notes that in the complainant's January 21, 2025 request, she sought "all log-in's for Web/Res/Day from March 1, 2019 to present. And anyone who logged in to bill DSS on behalf of Elegant Clinical."

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:

KAREN GASTON, 57 Wynding Hills Road, East Granby, CT 06026

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF DEVELOPMENT SERVICES; AND STATE OF CONNECTICUT, DEPARTMENT OF DEVELOPMENT SERVICES, c/o Attorney Gerald B. Gore, Department of Developmental Services, 155 Founders Plaza, 255 Pitkin Street, East Hartford, CT 06108



Jennifer M. Mayo
Acting Clerk of the Commission