

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ronald Nordby Sr.,

Complainant

against

Docket #FIC 2025-0197

Superintendent of Schools, Watertown  
Public Schools; and Watertown Public  
Schools,

Respondents

March 11, 2026

The above-captioned matter was heard as a contested case on August 20, 2025, at which time the complainant and respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

On August 15, 2025, the respondents filed a motion to dismiss this matter without a hearing. Such motion was denied by the undersigned hearing officer, without prejudice.

During the hearing and in their motion to dismiss, the respondents argued that the complainant did not file his complaint with the Commission within 30 days of a constructive denial, and therefore, the Commission lacked jurisdiction. Accordingly, the hearing officer ordered the respondents to submit to the Commission a copy of the complainant's February 12, 2025, request, that was stamped "received" by the respondents, as well as copies of the February 26, 2025, and March 20, 2025, requests, stamped "received" by the respondents that are at issue in this matter.

Such copies were filed by the respondents, and have been admitted into evidence as follows:

Respondents' Exhibit 5 (after-filed): complainant's request, dated February 12, 2025, and stamped received February 14, 2025;

Respondents' Exhibit 6 (after-filed): complainant's request, dated February 26, 2025, and stamped received February 28, 2025; and

Respondents' Exhibit 7 (after-filed): complainant's request, dated March 20, 2025, and stamped received March 24, 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, by letter dated February 12, 2025, and received by the respondents on February 14, 2025, the complainant<sup>1</sup> requested copies of records and also posed questions to the respondents, as follows:

- (a) Could [the respondents] provide a list of retirees enrolled in [the Blue Cross 65 Low Option Plan 83], including their names and enrollment dates? Additionally, please confirm whether all these retirees are currently on the same plan.
- (b) Has the Blue Cross 65 Low Option 83 undergone any changes in coverage, benefits or structure during the past 30 years? If so, please provide a summary of these modifications and the dates that they were implemented.
- (c) Do other employee groups under the Board of Education have access to this plan or similar coverage options? If available, please provide details on these groups and the corresponding plans offered to them.<sup>2</sup>

3. It is found that, by letter dated February 26, 2025, and received by the respondents on February 28, 2025, the complainant posed the following additional question and request for copies of records to the respondents:

- (a) Did the Board give prior notification, [certify] in writing to the Union to change the Retirement (Blue Cross Low Option Plan 83)[?]
- (b) A copy of the Board contract proposals to the Union for the new contract.
- (c) The dates the Board and Union met for each meeting for the new contract.
- (d) A copy of the new contract.

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<sup>1</sup> The complainant is a retired former employee of the respondents and in August 2024, the complainant's insurance plan changed.

<sup>2</sup> It is also found, that by letter dated March 20, 2025, and received by the respondents on March 24, 2025, the complainant renewed his February 12, 2025 request, described in paragraph 2, above.

4. By letter of complaint, dated March 20, 2025, and received by the Commission on March 24, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide the records described in paragraphs 2 and 3, above.

5. 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 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated or recorded by any other method.

6. Section 1-210(a), G.S., provides, 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.

7. Section 1-212(a), G.S., provides, in relevant part: “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

8. It is concluded that the requested records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. It is found that, on or about June 5, 2025, the respondents called the complainant to advise him that copies of the requested records were available for him to pick up. It is found, however, that the complainant did not pick up such records.

10. At the hearing on this matter, the complainant contended that the respondents had failed to provide him with copies of all of the records requested. The complainant also testified that his request for a certified letter regarding the change in insurance plans was a “loaded question,” as he did not expect the respondents to have a responsive record.<sup>3</sup>

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<sup>3</sup> The complainant seems to take issue with records not created and that he believed were required to be created by the union contract. The Commission notes that it is a creature of statute and can only administer and enforce the FOI Act. See *Dep’t. of Pub. Safety v. Freedom of Info. Comm’n*, 103 Conn. App. 571, 577 (2007). Therefore, any complaint about what record may have been required to be created as per a union contract is outside of the purview of the Commission and will not be addressed herein.

11. At the hearing, and in their motion to dismiss, the respondents contended that the complaint as pertaining to the February 12, 2025 request was not timely filed with the Commission; the complainant had withdrawn his requests; the requests included questions that the FOI Act did not require them to answer; and the respondents have provided all responsive non-exempt records in their possession to the complainant.

12. Each contention referenced by the respondents both in their motion to dismiss, and as set forth in paragraph 11, above, will be addressed, in turn.

### **JURISDICTION**

13. In their motion to dismiss and at the contested case hearing, the respondents argued that the complaint regarding the first request, dated February 12, 2025, referenced in paragraph 2, above, was not timely filed with the Commission.

14. Section 1-206, G.S., provides in relevant part:

(a) Any denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, *within four business days* of such request .... *Failure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed to be a denial.*

(b)(1) Any person denied the right to inspect or copy records under section 1-210 . . . or denied any other right conferred by the [FOI] Act may appeal therefrom to the [FOI] Commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed not later than *thirty days after such denial*. . . (Emphasis added.)

15. It is found that the respondents received the February 12, 2025, request on Friday, February 14, 2025. It is found that the respondents did not issue a written denial of such request within four business days therefrom, nor did they comply with the request by such time. Accordingly, the February 12, 2025, request was “deemed denied” for purposes of §§1-206(a) and 1-206(b)(1), G.S., on February 22, 2025.<sup>4</sup>

16. It is found that the complaint in this matter was received and filed with this Commission on Monday, March 24, 2025, and therefore, within thirty days of the denial described in paragraph 15, above. Accordingly, the Commission retains jurisdiction.

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<sup>4</sup> The Commission takes administrative notice of the fact that Monday, February 17, 2025, was President’s Day, and therefore, was not a business day.

**“WITHDRAWN” REQUESTS**

17. With respect to the respondents’ contention that the complainant withdrew both the February 12 and February 26, 2025, requests that are the subject of the complaint in this matter, during the phone call that occurred on or about June 5, 2025, the complainant denied that he withdrew his requests.

18. During the hearing on this matter, the respondents did not offer any witness who could attest to facts relevant to their contention that the complainant had withdrawn his requests. Instead, the respondents offered an affidavit, which was admitted into evidence, from Cathy Ochs, Executive Assistant to the Superintendent. Ms. Ochs averred that the complainant informed her that “he did not need the records anymore.” However, because Ms. Ochs did not appear at the hearing, her testimony via affidavit was not subject to cross-examination.

19. At the hearing, the complainant testified, and it is found, that he did not withdraw his requests.<sup>5</sup>

20. It is therefore concluded that the allegation that the February 12 and February 26, 2025 requests were denied is properly before this Commission.

**FEBRUARY 12, 2025, REQUEST**

21. With respect to the request described in paragraph 2, above, it is found that such request consists of several questions to the respondents. Nonetheless, the respondents searched for and provided responsive records.

22. The Commission notes that a public agency has no duty to answer questions, only to provide access to, and copies of, public records under the FOI Act. See Kimberly Albright-Lazzari et al. v. Colleen Murphy, Connecticut Freedom of Information Commission et al., CV105014984S, 2011 WL 1886878, at \*3 (Conn. Super. Ct. April 21, 2011).

23. Accordingly, it is concluded that the respondents did not violate the FOI Act when they did not answer the complainant’s questions described in paragraph 2, above.

24. While the respondents were not required to answer the questions contained within the complainant’s request, it is found that the respondents did make a good faith effort to provide records that could be responsive to the questions posed, when possible.

25. Specifically, with respect to the matters described in paragraph 2(a), above, the respondents testified, and it is found, that they provided a list of enrolled retirees to the complainant. The respondents testified, and it is found, that they did not maintain a record of whether or not the retirees were all on the same plan.

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<sup>5</sup> The complainant testified that he was also seeking records through discovery in a separate proceeding and the parties may have misunderstood each other as to the status of the complainant’s requests during the June phone call, described in paragraph 9, above, regarding the availability of the records.

26. With respect to the matters described in paragraph 2(b), above, the respondents testified, and it is found, that they do not maintain responsive records regarding plan changes over the past 30 years.

27. With respect to the matters described in paragraph 2(c), above, the respondents testified, and it is found, that there are no responsive records, and attempted to answer the question posed therein.

28. Based on all of the foregoing, it is concluded that the respondents conducted a reasonable and diligent search and provided all records that exist and are maintained that are responsive to the February 12, 2025, request.

29. Accordingly, it is concluded that the respondents did not violate the FOI Act with respect to the February 12, 2025 request.

### **FEBRUARY 26, 2025, REQUEST**

30. With respect to the request described in paragraph 3(a), above, it is found that such request constitutes a question and not a request for records.

31. Accordingly, it is concluded that the respondents did not violate the FOI Act when they did not respond to such request.<sup>6</sup>

32. With respect to the request described in paragraph 3(b), above, it is found that the respondents maintain records responsive to such request, which they described at the hearing as “proposals for changes” to the union contract. The respondents claimed that such records are exempt from disclosure pursuant to §1-210(b)(9), G.S.

33. Section 1-210(b)(9), G.S., provides that nothing in the FOI Act requires the disclosure of “[r]ecords, reports and statements of strategy or negotiations with respect to collective bargaining.”

34. “[T]he collective bargaining exception [is] understood to provide privacy for ‘the give-and-take in negotiating sessions of collective bargaining. . .’ (Citations omitted).” Glastonbury Educ. Ass’n. v. FOI Comm’n, 234 Conn. 704, 713 (1995). “A key element of negotiations is the existence of an offer of possible settlement. In decisions concerning labor disputes, courts have described negotiations as the process of submission and consideration of *offers* until an acceptable offer is made and accepted. . .” (Citations omitted; emphasis in original; internal quotation marks omitted).” Bloomfield Educ. Ass’n v. Frahm, 35 Conn. App. 384, 390, cert. denied, 231 Conn. 926 (1994).

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<sup>6</sup> The Commission notes that, during the hearing, the complainant conceded that he did not expect that the respondents would maintain any records responsive to the request described in paragraph 3(a), above. The respondents also confirmed that, notwithstanding the complainant’s request that they answer a question, they do not maintain any responsive record.

35. Section 1-210(b)(9), G.S., “does not exempt every record pertaining to collective bargaining from disclosure, only those that reveal strategy or negotiations.” Bloomfield Educ. Ass’n v. Frahm, 35 Conn. App. at 388. Strategy is defined as “a careful plan or method and the art of devising or employing plans or stratagems toward a goal. . . Negotiations is a broad term . . . but in general it means deliberations which takes place between the parties, touching a proposed agreement.” (Citations omitted; internal quotation marks omitted.) Id., 390.

36. Previously, the Court in Boster v. Freedom of Info. Comm’n, No. HHBC196052569, 2021 WL 6426774, \*3 (Conn. Super. Ct. Dec. 13, 2021) held that records of negotiations of collective bargaining agreements are expressly exempt from disclosure under §1-210(b)(9), G.S. In Boster, the records at issue consisted of handwritten notes of a collective bargaining agreement being negotiated, as they are akin to the records at issue here. See also McHale v. Superintendent of Schools, Watertown Public Schools, Docket #FIC 1994-390 (August 23, 1995) (finding contract proposals exempt from disclosure even after the contract had been finalized because the contract proposals continue to be exempt as a record of negotiation even after the agreement has been finalized).

37. It is found, based on the testimony of the respondents’ witness, that the requested contract proposals are offers of possible settlement and represent the give-and-take in negotiating sessions of collective bargaining prior to the final acceptable offer that is made and accepted.

38. Based on the foregoing, it is found that the contract proposals submitted by the respondents to the union during the course of negotiations relative to a new union contract constitute records of “negotiations with respect to collective bargaining,” and it is concluded that such records are exempt from disclosure pursuant to §1-210(b)(9), G.S.

39. Accordingly, it is concluded that the respondents did not violate the disclosure requirements of the FOI Act, as alleged in the complaint, with respect to the request described in paragraph 3(b), above.

40. With respect to the request described in paragraph 3(c), above, the respondents testified, and it is found, that they do not maintain a record responsive to such request. It is found, however, as a courtesy to the complainant, the respondents reviewed their calendars and created a list of meeting dates for the complainant.<sup>7</sup>

41. Accordingly, it is concluded that the respondents did not violate the disclosure requirements of the FOI Act with respect to the request described in paragraph 3(c), above.

42. Finally, with respect to the request described in paragraph 3(d), above, the respondents testified, and it is found, that they provided the complainant with a copy of the record responsive to such request. It is further found that, during the hearing, the complainant acknowledged receipt of such record.

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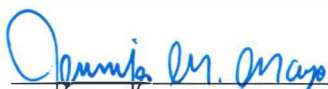
<sup>7</sup> While the complainant acknowledged receipt of such record, he was dissatisfied to learn that such record was not maintained in the ordinary course. As already explained in footnote 2, herein, such issue falls outside of the purview of the FOI Commission’s authority.

43. Accordingly, it is concluded that the respondents did not violate the disclosure requirements of the FOI Act with respect to the request described in paragraph 3(d), above.

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 March 11, 2026.

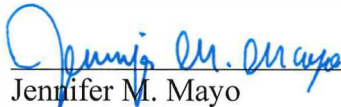
  
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Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**RONALD NORDBY SR.**, 166 Davis Street, Oakville, CT 06779

**SUPERINTENDENT OF SCHOOLS, WATERTOWN PUBLIC SCHOOLS; AND  
WATERTOWN PUBLIC SCHOOLS**, c/o Attorney Jessica L. Ritter and Attorney Julie Reznik,  
Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103

  
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Jennifer M. Mayo  
Acting Clerk of the Commission