

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Robert Young,

Complainant

against

Docket # FIC 2025-0364

Town Manager, Town of Wethersfield; and
Town of Wethersfield,

Respondents

May 13, 2026

The above-captioned matter was heard as a contested case on December 5, 2025, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits, and argument on the complaint.

On December 10, 2025, the undersigned hearing officer issued an order permitting the parties to submit after-filed exhibits, if any. On December 15, 2025, the complainant submitted an exhibit that the hearing officer admitted into evidence as a full exhibit and marked as follows: Complainant's Exhibit G (after-filed): "Hyperlink to February 18, 2025, Wethersfield Town Council Meeting (2 pages)."

On December 16, 2025, and December 17, 2025, the respondents and the complainant, respectively, each submitted one after-filed exhibit, both of which the undersigned hearing officer declined to admit into evidence for lack of relevance to the request at issue herein. Such after-filed exhibits are marked as follows: Respondents' Exhibit 4 (after-filed; for identification only): "Five Additional Requests Submitted by Complainant to Respondents, May-July 2025 (10 pages);" Complainant's Exhibit H (after-filed; for identification only): "Various Requests Submitted by Complainant to Respondents, 2024-2025 (4 pages)."

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 on April 2, 2025, the complainant requested from the respondents electronic copies of the following records:
 - (a) a copy of the complete but unsigned proposed lease that the respondent town developed for use of the Little Red Schoolhouse ("schoolhouse") by the Wethersfield Art League ("art league") to which they could not agree;

- (b) the town's analysis that supports, by cost component, the proposed rate offered to the art league for their use of the schoolhouse;
- (c) the date when the art league will vacate the schoolhouse;
- (d) the rate schedule the public will be paying to use the schoolhouse after the art league vacates; and
- (e) the rate schedule the art league will be paying to use the schoolhouse after the art league vacates.

3. It is found that, by email on April 4, 2025, the respondents acknowledged the complainant's request and represented that they would process it.

4. It is found that, by email on April 25, 2025, the complainant asked the respondents to provide a date by which he could expect to receive records responsive to his request, described in paragraph 2, above.

5. It is found that, by email on May 5, 2025, the complainant again asked the respondents to provide a date by which he could expect to receive records responsive to his request, described in paragraph 2, above.

6. It is found that, by email on May 9, 2025, the complainant asked the respondents a third time to provide a date by which he could expect to receive records responsive to his request, described in paragraph 2, above.

7. It is found that, by email on May 12, 2025, the complainant asked the respondents a fourth time to provide a date by which he could expect to receive records responsive to his request, described in paragraph 2, above.

8. By email, received and filed on May 16, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide records responsive to his request, described in paragraph 2, above.

9. Section 1-200(5), G.S., provides the following:

"[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.

10. Section 1-210(a), G.S., provides the following 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.

11. 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.”

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

13. It is found that, by email on July 22, 2025, the respondents’ assistant town manager provided the complainant with electronic copies of records that she purported to be responsive to his request described in paragraph 2(a), above (“July 22, 2025, email”).¹

14. It is found that, attached to the July 22, 2025, email, the respondents provided an electronic copy of an unsigned, six-page proposed agreement containing terms of a lease for the schoolhouse. It is found that such agreement was not fully executed and contained the pre-filled date of 2024, with the following items left blank: month and date of execution, lessor, lessee, and dollar amount for rental term.

15. It is further found that, in the body of the July 22, 2025, email, the respondents’ assistant town manager informed the complainant that the respondents did not maintain any responsive records to his requests described in paragraphs 2(b), 2(c), 2(d), and 2(e), above.

16. At the hearing in this matter, the complainant alleged that the respondents’ provision of records described in paragraphs 13 and 14, above, was incomplete. Specifically, he took issue with the fact that the parties to the lease were not filled in, nor was the dollar amount for the rental term.

17. Based on the respondent town manager’s credible testimony, it is found that the lease provided to the complainant in the respondents’ July 22, 2025, email was the only responsive record that the respondents maintained. It is further found that certain terms were left blank on the lease as described in paragraph 14, above, because the lease was still under negotiation between the respondent town and the art league at the time of the complainant’s April 2, 2025, request.

¹ See Respondents’ Exhibit 2: “7-22-25 email from Respondents to Complainant (1 pg. email, 6 pgs. of attachments).”

18. Therefore, it is found that the electronic copy of the proposed lease emailed by the respondents to the complainant on July 22, 2025, is a complete disclosure of the records maintained by the respondents in response to paragraph 2(a), above.

19. The complainant also challenged the respondents' representations described in paragraph 15, above, contending at the hearing in this matter that the respondents should have records responsive to his requests described in paragraphs 2(b) through 2(e), above, to "validate and substantiate" public remarks previously made by town officials and employees, including the respondent town manager.

20. The respondents' town manager credibly testified, and it is found, that the respondents possessed no records responsive to the complainant's request described in paragraph 2(b), above. It is found that, during the schoolhouse lease negotiation described in paragraph 17, above, the respondent town manager initially offered the rental rate of \$500 per year to the art league. It is found that such proposed rate was based upon oral conversations between the respondent town manager and the former parks and recreation department director, during which they discussed comparable rental rates used for other venues rented out by the town.

21. The respondents' town manager further testified, and it is found, that the respondents similarly possessed no records responsive to the complainant's requests described in paragraphs 2(c), 2(d), and 2(e), above. It is found that, at the time of the complainant's April 2, 2025, request, the respondents had not set a date for the art league to vacate the schoolhouse and, accordingly, the respondents did not maintain any records containing such date. It is further found that the respondents had not contemplated or established a rental rate for the schoolhouse for parties other than the art league, based upon the town building inspector's advice not to rent the schoolhouse to the general public due to concerns about the physical condition of the property.

22. Both the courts and this Commission have concluded that the FOI Act does not require public agencies to create records when no responsive records exist at the time a records request is made. Id. See also Jolley v. Bragdon, No. CV075012256, 2008 WL 2039066, at *4 (Super. Court Apr. 22, 2008); Wildin v. FOIC, 56 Conn. App. 683 (2000); and Docket #FIC 87-15; Vincenzo v. Board of Parole, et al. (March 25, 1987).

23. Given the aforementioned findings, it is therefore concluded that the respondents did not violate the FOI Act as alleged by the complainant by declining to create records in response to the requests described in paragraphs 2(b), 2(c), 2(d), and 2(e), above, when none were maintained by the respondents at the time they received the complainant's request.

24. Accordingly, it is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

25. At the December 5, 2025, contested case hearing in this matter, the complainant alleged that the respondents did not promptly provide records responsive to his requests described in paragraph 2, above.

26. The Commission has held that the meaning of the word “promptly” is a particularly fact-based question. In Advisory Opinion #51, In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant (January 11, 1982), the Commission advised that the word “promptly,” as used in §1-210(a), G.S., means “quickly and without undue delay,” taking into account all factors presented by a particular request.

27. The advisory opinion goes on to describe some of the factors that should be considered in weighing a request for records against other priorities: the volume of records requested; the time and personnel required to comply with a request; the time by which the person requesting records needs them; the time constraints under which the agency must complete its other work; the importance of the records to the requestor, if ascertainable; and the importance to the public of completing other agency business without the loss of personnel time involved in complying with the request. In addition, common sense and goodwill ought to be the guiding principles.

28. Based upon the credible testimony of the respondents’ town manager, it is found that, in the time between receipt of the complainant’s request on April 2, 2025, and the date when the respondents provided him with responsive records on July 22, 2025, the town manager was personally engaged in the following duties in addition to his regular duties, among others: attending budget work sessions with town department directors and the town council at the height of municipal budget season; securing a new ambulance provider for the town as part of a two-year negotiation and state petitioning process; responding to multiple labor-intensive FOI requests regarding such ambulance process; compiling discovery materials for several lawsuits to which the town was a party.

29. It is further found that, during the same time period described in paragraph 28, above, both the assistant town manager and the respondent town manager’s administrative assistant were out intermittently on personal leave to care for ailing family members and for bereavement.

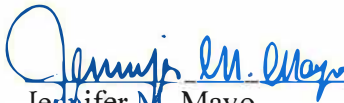
30. It is further found that the respondent town manager consulted other departments within the respondent town to search for records responsive to each part of the complainant’s request, described in paragraph 2, above, which further added to his response time. Specifically, it is found that the respondent town manager asked both the retired Parks and Recreation Department director, as well as its interim department director, to see whether either of them possessed any records responsive to the request described in paragraph 2(b), above.

31. Given the aforementioned findings, it is concluded that the respondents did provide responsive records to the complainant “quickly and without undue delay” within the meaning of Advisory Opinion #51 and did not violate the promptness provisions of §1-210(a), G.S.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of May 13, 2026.

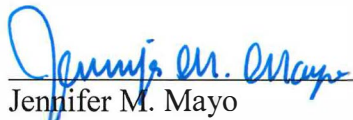

Jennifer M. Mayo
Acting Clerk of the Commission

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:

ROBERT YOUNG, 20 Coppermill Road, Wethersfield, CT 06109

TOWN MANAGER, TOWN OF WETHERSFIELD; AND TOWN OF WETHERSFIELD,
c/o Attorney John W. Bradley, Halloran & Sage LLP, One Goodwin Square, 225 Asylum Street,
Hartford, CT 06103



Jennifer M. Mayo
Acting Clerk of the Commission