

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Jeff Rieck,

Complainant

against

Docket #FIC 2025-0370

Executive Director, Housing Authority of
the City of Danbury; and Housing Authority
of the City of Danbury,

Respondents

May 13, 2026

The above-captioned matter was heard as a contested case on October 29, 2025, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After the contested case hearing on this matter, by order of the hearing officer, the respondents submitted after-filed exhibits, which have been admitted into evidence, without objection, and marked as follows: Respondents' Exhibit Q (after-filed): Email from the respondents to D&V/Mainsail Associates, LLC, dated June 10, 2025; and Respondents' Exhibit R (after-filed): Email from D&V/Mainsail Associates, LLC to the respondents, dated June 10, 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 email dated April 13, 2025, and sent directly to the respondent executive director, Devin Marra, the complainant requested copies of the following records from the respondents:
 - (a) "All documentation related to any pay and/or benefit adjustments for [Devin Marra] from April 01, 2024 through the fulfillment date of this request and excepting your contract that was already provided";
 - (b) "[Devin Marra's] full and complete employee file";
 - (c) "All Executive Director recruitment/review/selection/appointment documentation for the most recent Executive Director recruitment, roughly fall of 2024. This should include all procurement documentation including but not limited to

solicitation documents, vendor outreach, vendor proposals, vendor agreements and/or awards, emails voicemails and/or text messages between vendors and/or HACD employees, Directors, Officers, Board members, and HACD legal counsel. In process documentation to include but not limited to interview questions, notes scoring sheets, emails voicemails and/or text messages, and other documents between HACD's contracted vendor D&V Mainsail, including its employees, assigns, and/or participants in the recruitment/interviewing process and/or HACD employees, Directors, Officers, Board members, and HACD legal counsel. Post award documentation shall include all documentation such as emails[,] voicemails and/or text messages between HACD's contracted vendor D&V Mainsail, including its employees, assigns, and/or participants in the recruitment/interviewing process and/or HACD employees, Directors, Officers, Board members, and HACD legal counsel. Provide documentation of all recruitment outreach and/or advertisement and all documentation sent to and/or received from candidates”;

- (d) “All ‘All Staff’ or similar emails and all replies/responses from April 01, 2024 to fulfillment date of this request”;
- (e) “All documentation regarding Board member additions, resignations, or other change in status from November 01, 2023 through fulfillment date of this request”; and
- (f) “ADP Payroll Register reports for pay dates 5/20/2024, 06/10/2024, 08/26/2024, 10/28/2024, 01/13/2025, and 03/03/2025.”

It is also found that, by the same email, the complainant informed the respondents that his records request “may be satisfied in parts.”

3. It is found that, by email dated April 13, 2025, the respondents acknowledged the complainant's records request.

4. It is found that, by email dated April 14, 2025, the complainant clarified that, with respect to the request described in paragraph 2(c), above, he was requesting responsive communications between any combination of the parties identified in such request or between any of the identified parties and any unidentified parties. It is also found that, by the same email, the complainant requested an update on the status of his records request, described in paragraph 2, above.

5. It is found that, by email dated May 6, 2025, the complainant, again, requested an update on the status of his records request, described in paragraph 2, above.

6. It is found that, by email dated May 7, 2025, the respondents informed the complainant that they were working on his records request, described in paragraph 2, above, but due to both the “broad scope” of such request and the respondents’ “other pressing duties”, the

respondents were unable to provide a specific date by which such records request would be fulfilled.

7. By complaint, dated May 18, 2025 and filed May 19, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to promptly provide him with a copy of the records, described in paragraph 2, above. The complainant also requested the imposition of a civil penalty against the respondents.

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 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:

[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: “[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 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.

12. It is found that, by eight separate emails dated May 19, 2025, and subsequent to the date the complaint described in paragraph 7, above, was filed in this matter, the respondents provided the complainant with records responsive to the request described in paragraphs 2(a), 2(b), 2(d), and 2(f), above, with certain redactions not at issue in this matter. It is also found that, by email dated July 11, 2025, the respondents provided the complainant with records responsive to his request described in paragraph 2(c), above. It is further found that, by email dated July 14, 2025 (“July 14th email”), the respondents provided the complainant with records responsive to his request described in paragraph 2(e), above.

13. It is found that, by email dated October 27, 2025, the respondents provided the complainant with a final batch of records responsive to his request described in paragraph 2(c), above.

14. At the hearing on this matter, the respondent executive director, Devin Marra, testified, and it is found, that she personally conducted a search for responsive records and coordinated efforts to obtain any responsive records that were not physically stored at the office of the respondent Housing Authority of the City of Danbury ("HACD"). Ms. Marra also testified, and it is found, that as of the October 27th production, the respondents concluded that they had provided copies of all records responsive to the complainant's request, described in paragraph 2, above.

15. The complainant testified that he did not believe he had received copies of all records responsive to his request described in paragraph 2(c), above. The complainant argued that the respondents should maintain additional responsive procurement and vendor records because at least three vendors should have been involved in the applicable procurement process and the complainant only received records related to one vendor.

16. Ms. Marra testified, however, and it is found, that because the procurement referenced in paragraphs 2(c) and 15, above, was for less than ten thousand dollars, the respondents' procurement policy categorizes it as a "small purchase." Ms. Marra also testified, and it is found, that the respondents' procurement policy does not require the HACD to conduct a formal solicitation of at least three vendors for small purchases and, therefore, the respondents only maintain responsive records related to the one vendor, D&V/Mainsail Associates, LLC ("Mainsail"), which provided the only quote and was, ultimately, selected for the contracted work.

17. Based on the foregoing, it is found that the respondents conducted a diligent and thorough search for records responsive to the request at issue in this matter and, ultimately, provided the complainant with a copy of all records responsive to the request described in paragraph 2, above. It is therefore concluded, based upon the findings in paragraphs 12 through 16, above, that the respondents did not violate the disclosure provisions of the FOI Act, as alleged in the complaint in this matter.

18. With regard to the complainant's allegation that the respondents failed to provide such records promptly, this Commission takes guidance from Advisory Opinion #51, In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant (Notice of Final Decision dated January 11, 1982).

19. In Advisory Opinion #51, the Commission advised that the word "promptly," as used in §1-210(a), G.S., means quickly and without undue delay, taking into consideration all of the factors presented by a particular request. As the court recognized in Commissioner of Department of Emergency Services and Public Protection v. Freedom of Info. Comm'n, 70 Conn. L. Rptr. 203, 2020 WL 5540637, at *6 (Conn. Super. Ct. 2020) ("DESPP v. FOI Comm'n"), a public agency should consider its obligations under the FOI Act as a "primary

duty” of that agency, “on par with the [agency’s] other significant duties, or said another way, that the agency’s FOIA duty is not a second class duty.”

20. 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 requester, if ascertainable; and the importance to the public of completing the other agency business without the loss of the personnel time involved in complying with the request.

21. With regard to the factors listed above, it is found that, although the complainant did not state a specific time by which he needed responsive records, he did follow up with the respondents on multiple occasions, requested status updates, and informed the respondents that he would accept responsive records in parts (i.e., on a rolling basis). It is also found that the complainant is a former executive director of the HACD. It is further found, therefore, that the respondents understood that the requested records described in paragraph 2, above, are important to the complainant. See DESPP v. FOI Comm’n, at *3 (“[c]onsidering ... [the identity of the requester] and the substance of the request, it is reasonable to infer that the [public agency] understood that the request was important”).

22. Ms. Marra testified, and it is found that, in total, the respondents provided the complainant with approximately fifty to seventy-five responsive electronic records. It is also found that, due to the size of certain responsive electronic records, the respondents were required to split the provision of such electronic records between multiple emails, as referenced in paragraph 12, above. It is further found, therefore, that the volume of responsive records is not insignificant.

23. It is found that the respondents did not specifically testify as to the time it took to comply with the complainant’s records request. It is found, however, that Ms. Marra testified extensively regarding the HACD’s other work during the pendency of the complainant’s request, the importance of such other work, and the efforts undertaken by the HACD to comply with the complainant’s records request.

24. Ms. Marra testified, and it is found, that while the complainant’s records request was pending, the HACD was: involved in major union negotiations and budget discussions, dealing with serious personnel issues regarding an employee of the HACD, managing a FEMA complaint related to flooding issues, addressing a pipe bursting at one of the HACD’s facilities and the insurance claims related thereto, and navigating funding shortfalls at the public agency. Ms. Marra also testified, and it is found, that serving the low income residents cared for by the HACD was her priority during this same period. Ms. Marra further testified, and it is found, that the complainant in this matter requested other records during this same time period, including a highly voluminous records request made on April 23, 2025, that the respondents are still processing and another records request made on May 19, 2025, which the HACD acknowledged and fulfilled that same day.

25. Ms. Marra testified, and it is found, that many of the responsive records provided to the complainant were not physically possessed by the respondents at the time of the request described in paragraph 2, above, and that Ms. Marra was required to request responsive records from Mainsail, the HACD's legal counsel, and certain departments within the City of Danbury in order to gather such responsive records and provide them to the complainant. Ms. Marra also testified, and it is found, that at the time of the complainant's records request, the HACD was in the process of digitizing records, which meant that parts of some responsive records were already electronic, while others were stored in various boxes at the respondents' offices. Ms. Marra further testified, and it is found, that upon locating responsive records, she sent all such records to the respondents' legal counsel for review and potential redaction prior to providing the records to the complainant.

26. Based upon the findings in paragraphs 20 through 25, above, it is found that the respondents promptly provided copies of the records described in paragraph 12, above, to the complainant. It is therefore concluded that the respondents did not violate the promptness requirements of §§1-210(a) and 1-212(a), G.S., with respect to such records.

27. With respect to the records described in paragraph 13, above (i.e., the additional records responsive to the request described in paragraph 2(c), above), Ms. Marra testified, and it is found, that she believed she had completely fulfilled the complainant's request, described in paragraph 2, above, upon sending the records attached to her July 14th email, described in paragraph 12, above. Ms. Marra also testified, however, and it is found, that upon reviewing her records prior to the contested case hearing, she realized that certain responsive records related to Mainsail ("outstanding Mainsail records") had not yet been provided to the complainant. It is found that review of the outstanding Mainsail records was pending in a shared folder with the HACD's legal counsel and awaiting legal review. Ms. Marra further testified, and it is found, that the failure to provide the outstanding Mainsail records to the complainant was due to an oversight, and upon realizing this oversight, she discussed such responsive records with legal counsel and subsequently provided copies to the complainant on October 27, 2025, without redaction.¹

28. Notwithstanding the aforementioned testimony at the contested case hearing on this matter, the respondents also argued that they were under no legal obligation to obtain public records that they did not physically possess, and as such, they had gone above and beyond the requirements of the FOI Act in responding to the complainant's records request. The respondents argued that "whether [the HACD] owns records and whether it stores records are two totally different subjects." Such argument is unavailing.

29. As already found in paragraph 8, above, public records are defined as "any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency ..." Section 1-200(5), G.S., (emphasis added).

¹ The Commission notes that October 27, 2025 was over six months after the complainant's records request, described in paragraph 2, above, over three months after the respondents' July 14th email, described in paragraph 12, above, and two days prior to the contested case hearing on this matter.

30. The Courts have also ruled that where a public agency “is entitled to possession of the [public records], or at least copies thereof, upon demand...”, such public agency cannot avoid its obligation to disclose public records, under the FOI Act, by “farming ... out” such records to a private entity. See Londregan v. Freedom of Info. Comm’n, 12 Conn. L. Rptr. 144, 1994 WL 385951, at *9 (Conn. Super. Ct. 1994).

31. As set forth in paragraph 10, above, §1-210(a), G.S., subjects all records maintained or kept on file by a public agency to disclosure under the FOI Act.

32. In Town of Avon v. Sastre, 2022 WL 6421446, at *4, aff’d, 224 Conn. App. 15, cert. denied, 349 Conn. 905 (2024) (“Sastre”), the Court interpreted the phrase “‘maintained or kept on file’ in §1-210(a)[, G.S.,] as meaning within the possession, custody or control of the public agency.”

33. In Docket #FIC 2022-0550, Ian Cooke v. Commissioner, State of Connecticut Department of Emergency Services and Public Protection, et al. (Nov. 15, 2023) (“Cooke”), the Commission considered whether the Department of Emergency Services and Public Protection (“DESPP”) “maintained” their own employees’ personnel files, despite the fact that such files were stored by DAS, pursuant to a Memorandum of Understanding, which stated that DAS would provide Human Resources services for DESPP.

34. Applying the holding in Sastre to the facts in Cooke, this Commission found that DESPP “maintained” their employees’ personnel files within the meaning of §1-210(a), G.S. Specifically, the Commission found that DESPP exercised control over the records and was able to: (i) access such records; (ii) decide what information to redact from such records; and (iii) provide copies of such records directly to the complainant.

35. In Docket #FIC 2023-0632, James Raynor v. Jason Thody, Chief Police Department, City of Hartford, et al. (November 20, 2024), the Commission applied the standard set forth in paragraphs 30 through 32, above, and found that the Hartford Police Department (“HPD”) “maintained” a case file, even though such file was transferred to the Cold Case Unit of the Connecticut State Division of Criminal Justice, and the HPD did not physically retain or possess a copy of such file.

36. With respect to this matter, it is found that the responsive records described in paragraph 13, above, are public records, as concluded in paragraph 11, above, in that they are “prepared, owned, used, received, or retained” by the respondents, and are directly related to the HACD’s procurement of services rendered by Mainsail.² It is also found that the respondents were entitled to possession of copies of such records on demand, and that the respondents were able to access such records, and indeed obtained such records from Mainsail, decided what information to redact from such records, and, ultimately, provided copies of such records directly to the complainant via email on October 27, 2025.

² The Commission also takes administrative notice of 2 C.F.R. § 200.318(i) (2026), which requires recipients of federal funds to “maintain records sufficient to detail the history of each procurement transaction...”, including “the rationale for the procurement method, contract type selection, contractor selection or rejection, and the basis for the contract price.”

37. Accordingly, it is found that, although the HACD did not possess a physical copy of the records described in paragraph 13, above, at the time of the request in this matter, the HACD did “maintain” such records within the meaning of §1-210(a), G.S., and, therefore, was obligated to request such records from Mainsail, in order to provide the complainant with all records responsive to his request described in paragraph 2, above.

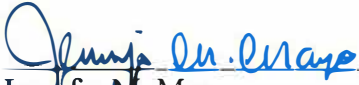
38. Consequently, it is concluded, based upon the findings in paragraphs 27 through 37, above, that the respondents violated the promptness requirements of §§1-210(a) and 1-212(a), G.S., with respect to provision of the records described in paragraph 13, above, as alleged by the complainant.

39. After consideration of the entire record, the Commission, in its discretion, declines to consider the imposition of a civil penalty against the respondents.

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

1. Henceforth, the respondents shall strictly comply with the promptness requirements of §§1-210(a) and 1-212(a), G.S.

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

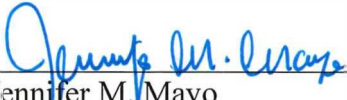

Jennifer M. Mayo
Acting Clerk of the Commission

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:

JEFF RIECK, 406 East Main Street, Floor 1, Smethport, PA 06749

**EXECUTIVE DIRECTOR, HOUSING AUTHORITY OF THE CITY OF DANBURY;
AND HOUSING AUTHORITY OF THE CITY OF DANBURY**, c/o Attorney Joseph P.
Mortelliti, Cramer & Anderson LLP, 30 Main Street, Suite 204, Danbury, CT 06810



Jennifer M. Mayo
Acting Clerk of the Commission