

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Laura Devlin,

Complainant

against

Docket # FIC 2025-0478

Director, Human Resources Department,
Town of Fairfield; Human Resources
Department, Town of Fairfield; and Town of
Fairfield,

Respondents

May 27, 2026

The above-captioned matter was heard as a contested case on December 2, 2025, at which time the complainant and the 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 on May 21, 2025, via the respondents' "NextRequest" portal, the complainant requested that the respondents provide her with copies of the following records:
 - (a) The order documentation and purchase date for the Chevrolet Tahoe currently being driven by COO David Becker.
 - (b) The full cost of the vehicle, including a line-item breakdown of any emergency services equipment or "add-ons" such as, but not limited to lights, sirens, mobile data terminals (computers), radios, mounting hardware and installation labor.
 - (c) Documents, authorizations, or approvals relating to the expenditures for this vehicle, including but not limited to those signed or issued by town officials, department heads, or discussed with any board of finance member.
 - (d) A detailed listing of the town account(s) or budget line(s) from which the vehicle and its equipment were funded, including any interdepartmental transfers or re-allocations.

- (e) A copy of any and all agreements, contracts, or memoranda of understanding between COO David Becker and the Town regarding his use of this vehicle, including any references to on-call status, personal use, or emergency response roles.
- (f) All communications – including emails, memos, meeting notes, letters, or messages between the Town of Fairfield, Fairfield Fire Department, Fairfield Police Department, or any other town departments or officials, that reference or discuss the use of “blue lights” or other emergency equipment in connection with Mr. Becker and/or the vehicle in question, or previous vehicles connected to Mr. Becker.

3. It is found that on May 21, 2025, the respondents acknowledged receipt of the request described in paragraph 2, above.

4. By complaint filed June 13, 2025, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying her request for the records described in paragraph 2, 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 section 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

6. 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.

7. 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.”

8. 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.

9. It is found that, on September 17, 2025, approximately four months after receiving the request described in paragraph 2, above, the respondents provided the complainant with 1,247 pages of records in response to such request.

10. At the hearing on this matter, the complainant contended that, although the respondents provided her with copies of records responsive to the request described in paragraph 2, above, such records were not provided promptly.¹

11. This Commission has held that the meaning of the word “promptly” is a particularly fact-based question, and has opined that the word “promptly” in §1-210, G.S., means “quickly and without undue delay, taking into account all of the factors presented by a particular request ... [including] the volume of records requested; the amount of personnel time necessary to comply with the request; the time by which the requester needs the information contained in the records; 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 loss of the personnel time involved in complying with the request.” See *FOI Commission Advisory Opinion #51* (Jan. 11, 1982). The Commission also recommended in *Advisory Opinion #51* that, if immediate compliance is not possible, the agency should explain the circumstances to the requester.

12. As the court recognized in *Comm'r of Dep't of Emergency Servs. & Pub. Prot. v. Freedom of Info. Comm'n*, No. HHBCV186047741, 2020 WL 5540637, at *6 (Conn. Super. Ct. July 2, 2020), 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.”

13. It is found that the FOI Officer for the respondent Town of Fairfield (“respondent Town”) appeared and testified in this matter. It is found that the FOI Officer is responsible for responding to records requests received by the respondents as well as those received by other town departments, and that, at the time of the request and hearing on this matter, the FOI Officer was the only staff person responsible for compliance with such requests.

14. It is found that the FOI Officer was also assigned to assist with the work of the respondent Town’s boards and commissions as needed, and other risk management duties. Notwithstanding such responsibilities, it is found that the role of FOI Officer was part-time until July 2025. It is found that such position thereafter became full-time due to an increase in requests for records being made to the respondent Town’s departments.

¹ The Commission notes that, at the hearing on this matter, the complainant expressed that she did not believe that the respondents provided her with a copy of all of the records responsive to the request described in paragraph 2, above, but that she considered such issue “moot” because the COO referenced in her request was no longer an employee of the respondent Town. Therefore, the issue of whether the respondents fully complied with the complainant’s request will not be addressed further herein.

Notwithstanding, during the hearing, the respondents’ witness testified about the nature and scope of the searches conducted in response to the request described in paragraph 2, above, and attempted to address the concerns that the complainant raised about the thoroughness of such searches.

15. It is found that, at the time of the request described in paragraph 2, above, the FOI Officer generally processed records requests in the order in which such requests were received. It is found that the request described in paragraph 2, above, was the 324th request that the respondent Town received in 2025 and further that, by the time of the hearing, the respondent Town had received approximately 900 requests for records. It is found that, at the time the respondents received the request described in paragraph 2, above, the respondents were also processing a backlog of requests. It is found that, as a result of such backlog, the respondents did not commence a search for records responsive to such request until September 2025.

16. It is found that in September 2025, the respondents searched for responsive records maintained by the Finance Department and for email communications. It is found that the FOI Officer reviewed all of the records that were located for any potential claims of exemption from disclosure and to remove any duplicate copies of such records.

17. Notwithstanding the findings in paragraph 15 and 16, above, the Commission notes that the respondents offered no evidence regarding: the number of requests pending at the time they received the request described in paragraph 2, above; the amount of personnel time necessary to comply with such requests or the request at issue herein; the time constraints under which the FOI Officer needed to complete his other work; or the importance to the public of completing other agency business without loss of the personnel time involved in complying with the request.

18. As found in paragraph 9, above, the respondents did not provide the complainant with copies of records responsive to the request described in paragraph 2, above, until four months had transpired from the date of such request.

19. Upon consideration of all of the factors presented, it is found that the respondents failed to prove that they provided the complainant with copies of the responsive records “promptly,” within the meaning of §§1-210(a) and 1-212(a), G.S.

20. Accordingly, it is concluded that the respondents violated the promptness requirements of the FOI Act.²

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.

² Notwithstanding, both the complainant and the FOI Officer testified that, at the time of the hearing, the time frames within which the respondents were complying with records requests had noticeably improved.

Approved by Order of the Freedom of Information Commission at its regular meeting of May 27, 2026.

A handwritten signature in blue ink, appearing to read "Jennifer M. Mayo", is written over a horizontal line.

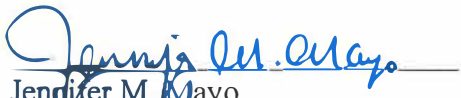
Jennifer M. Mayo
Acting Clerk of the Commission

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:

LAURA DEVLIN, 85 Brett Lane, Fairfield, CT 06824

DIRECTOR, HUMAN RESOURCES DEPARTMENT, TOWN OF FAIRFIELD; HUMAN RESOURCES DEPARTMENT, TOWN OF FAIRFIELD; AND TOWN OF FAIRFIELD,
c/o Attorney Philip C. Pires, Cohen and Wolf, P.C., 1115 Broad Street, Bridgeport, CT 06604


Jennifer M. Mayo
Acting Clerk of the Commission