

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Maribeth Gomez,

Complainant

against

Docket #FIC 2017-0706

Director of Human Resources,  
State of Connecticut, Department  
of Banking; and State of Connecticut,  
Department of Banking,

Respondents

August 22, 2018

The above-captioned matter was heard as a contested case on March 16, 2018, 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, by eight separate requests each dated November 5, 2017, the complainant requested that the respondents provide her with copies of the following records:

Request 1:

1. Any and all records related to Maribeth Gomez's violations of the Department of Banking ("DOB") parking reimbursement policy;
2. Any and all records related to any DOB employee violation of the DOB parking reimbursement policy and any discipline resulting from such violation;
3. Any and all records concerning the drafting, development or discussion of the letter of reprimand issued on December 20, 2016 to Maribeth Gomez, including, but not limited to, communications

between or among any person regarding such letter, whether solicited or unsolicited.

Request 2:

1. Any and all records related to driving incidents reported to fleet (sic) related to DOB employees for the past five years;
2. Any and all records related to discipline resulting from such driving incidents for the past five years;
3. Any and all records concerning the drafting, development or discussion of the letter of reprimand issued to Maribeth Gomez dated November 7, 2016, including, but not limited to, communications between or among any persons regarding the letter, whether solicited or unsolicited.

Request 3:

1. Any and all records related to violations of the parking ticket validation policy and any and all records related to discipline resulting from such violations;
2. Any and all records that serve as the basis for a counseling letter of August 2016, related to Maribeth Gomez's violation of the parking ticket validation policy;
3. Any and all records concerning the drafting, development or discussion of such counseling letter, including, but not limited to, communications between or among any persons regarding such counseling letter, whether solicited or unsolicited.

Request 4:

1. Any and all records used by the agency in the development or creation of Maribeth Gomez's annual service rating for 2015, 2016 and 2017;
2. Any and all records that served as the basis for such service rating or any element thereof;
3. Any and all records concerning the drafting, development or discussion of such service rating,

including, but not limited to, communications between or among any persons regarding such service rating, whether solicited or unsolicited;

4. Any and all records concerning damage to State vehicles used by the driving division of the DOB and any associated discipline resulting from such damage;
5. Any and all records related to any Bank Secrecy Act policies, procedures and/or practices that the DOB has regarding the time frame in hours or weeks that an examiner should take to complete a Bank Secrecy Act examination;
6. Copies of the DOB's Financial Institution Division ("FID") "Training Reaccreditation" reports for the last three years;
7. Copies of any videos from any camera installed in my assigned working location at the offices located at 260/250 Constitution Plaza, Hartford, CT 06103 (known as room 47 when I was assigned to this room);
8. Any and all records concerning the hiring or assignment of installing a camera at the DOB's FID, specifically in Maribeth Gomez's work station (known as room 47) to track, observe or otherwise investigate Maribeth Gomez, including, but not limited to, communications between or among any persons regarding such hiring or assignment, whether solicited or unsolicited;
9. Any and all records related to any home (sic) late arrival policies, procedures and/or practices that the DOB's FID has in place as to when the time should be taken.

Request 5:

1. Any and all records related to violations of DOB's AWS policy and any and all records related to discipline resulting from such violations;
2. Any and all records that served as the basis for the revocation of Maribeth Gomez's AWS on

November 7, 2016;

3. Any and all records concerning the drafting, development or discussion of the November 7, 2016 revocation letter, including, but not limited to, communications between or among any persons regarding such counseling letter, whether solicited or unsolicited.

Request 6:

1. Any and all records related to DOB's denials of comp time requested for travel by DOB employees for the past 5 years;
2. Any and all records related to DOB's policy of comp time administration;
3. Any and all records concerning the drafting, development or discussion of the denial of Maribeth Gomez's comp time requested on October 4, 2016, including, but not limited to, communications between or among any persons regarding such denial, whether solicited or unsolicited.

Request 7:

1. Any and all records related to any inspection of data contained in local drives on any DOB computer, which is used for field examination for the past 5 years;
2. Any and all records related to discipline resulting from such inspections for the past 5 years;
3. Any and all records concerning the drafting, development or discussion of the suspension issued to Maribeth Gomez dated December 20, 2016, including, but not limited to, communications between or among any persons regarding such suspension, whether solicited or unsolicited;
4. Any and all records related to the security audit conducted by DOB of computers to test for compliance with any policy of DOB;
5. Any and all records related to any computer policies, procedures and/or practices that the DOB

has regarding the recall of state computers for employees that are out on medical leave (FMLA).

Request 8:

1. Copies of the "Bank Examination Employee General Information" reports for all current DOB FID employees;
2. Copies of the "Bank Examination Employee General Information" reports for all DOB FID employees who have retired in the last 5 years;
3. Any and all records concerning the hiring or assignment of a private investigator or other investigator (i.e., State employed investigator) to track, observe or otherwise investigate Maribeth Gomez, including, but not limited to, communications between or among any persons regarding such hiring or assignment, whether solicited or unsolicited.

3. It is found that, by eight separate letters each dated November 14, 2017, the respondents acknowledged the complainant's requests, indicating that they were processing each of the requests and that they would contact the complainant once the requests were processed.

4. By an undated letter filed November 24, 2017, the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by failing to provide her with records responsive to her requests.

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

"Public 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, printed, photostated, photographed or recorded by any other method.

6. Section 1-210(a), G.S., provides in relevant part that:

Except 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, (2) copy such records in accordance with subsection (g) of section 1-212, or (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 found that the records requested by the complainants in paragraph 2, above, to the extent that they are maintained by the respondents, are public records within the meaning of §§1-200(5), 1-210(a), 1-212(a), G.S., and must be disclosed unless they are exempt from disclosure.

9. At the contested case hearing, the complainant contended that, with regard to Request 1, item 2, the respondents failed to provide her all responsive records; with regard to Request 2, items 1 and 2, the respondents failed to provide her all responsive records; with regard to Request 3, item 1, the respondents failed to provide her all responsive records; with regard to Request 4, items 4 and 5, the respondents failed to provide her all responsive records, and Request 4, items 6, 7, 8, and 9, the respondents failed to provide her any responsive records; with regard to Request 7, items 1, 2, 4, and 5, the respondents failed to provide her any responsive records; and with regard to Request 8, item 3, the respondents failed to provide her any responsive records.

10. Victoria Soucy, Principal Human Resources Specialist and Affirmative Action Officer at the DOB, appeared and testified at the contested case hearing.

11. It is found that Ms. Soucy handled the eight FOI requests referred to in paragraph 2, above.<sup>1</sup>

12. It is found that the requests were received by the respondents on November 8, 2017, were logged into the DOB tracking system, and were acknowledged on November 12, 2017.

13. Thereafter, it is found that Ms. Soucy sent an email containing the requests to the Commissioner of the DOB and to all directors.<sup>2</sup> It is found that the Commissioner and the division directors forwarded the request to all people under their supervision who they believed maintained or might maintain responsive records. It is found that each recipient of the request was directed to review their records and determine whether they maintained responsive records and, if so, to contact Ms. Soucy. It is found that all responsive records were then gathered and forwarded to Ms. Soucy. It is found that Ms. Soucy reviewed the

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<sup>1</sup> Generally, the DOB’s FOI Officer handles FOI requests. However, in this case, the DOB determined that Ms. Soucy would be better suited to handle these requests, as the FOI Officer and the complainant are part of the same bargaining unit.

<sup>2</sup> It is found that, within the DOB, there are four operational directors, two administrative directors, and one director of information technology.

records for exempt information and then notified the complainant that the requested records were ready.

14. The complainant represented on the record at the hearing that, while she was not challenging the respondents' claims of exemption, she believed that there should be more non-exempt responsive records. The complainant had particular concern with regard to video recordings or private investigation records that the respondents may have created concerning her. See ¶2, Request 4, subsections 7-8, above, and Request 8, subsection 3, above.

15. Based on the testimony of Ms. Soucy, it is found that the respondents conducted a thorough search for records in this case. In this regard, it is found that Ms. Soucy alone worked approximately 120 hours determining who maintained responsive records, reviewing such records and determining what had already been disclosed to the complainant.<sup>3</sup> It is found that multiple other individuals also worked numerous hours searching for and producing records to Ms. Soucy. It is found that the respondents do not maintain video records or private investigation records concerning the complainant.

16. In addition, it is found that the DOB employees who searched for responsive records, searched both their hardcopy records and electronic records. It is found that the respondents both emailed and mailed the complainant more than two thousand pages of responsive records. Finally, it is found that the respondents did not charge the complainant for these records.

17. It is concluded that the respondents did not violate the disclosure provisions of the FOI Act, as alleged in the complaint.

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 August 22, 2018.



Cynthia A. Cannata  
Acting Clerk of the Commission

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<sup>3</sup> The Commission notes that the respondents updated the complainant on the status of her eight requests on December 22, 2017. It is found that the December 22<sup>nd</sup> status letter reminded the complainant that six of the eight requests were identical to six requests that the respondents had previously received and processed from the complainant's union. It is further found that the status letter reminded the complainant that the records responsive to these six requests had been available since March 21, 2017.

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:

**MARIBETH GOMEZ**, 18 Meadow Farms Road, West Hartford, CT 06107

**DIRECTOR OF HUMAN RESOURCES, STATE OF CONNECTICUT,  
DEPARTMENT OF BANKING; AND STATE OF CONNECTICUT, DEPARTMENT  
OF BANKING**, c/o Attorney Patrick Ring, Office of the Attorney General, 55 Elm Street,  
PO Box 120, Hartford, CT 06106



Cynthia A. Cannata  
Acting Clerk of the Commission