

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

John Barney and Marek Kement,

Complainants

against

Docket #FIC 2017-0151

Tax Assessor, Town of East Windsor;  
and Town of East Windsor,

Respondents

January 10, 2018

The above-captioned matter was heard as a contested case on May 9, 2017, at which time the complainants 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 letter dated February 16, 2017, the complainants made a request to the respondent tax assessor for copies of all appraisals used to assess the properties at 191 Deport Street and 38 Sullivan Farm Road for the grand list years of 2007 through 2016.
3. It is found that by email dated March 1, 2017, to the respondent tax assessor, the complainants made a request for a copy of the records described in paragraph 2, above, again.
4. By letter dated March 6, 2017 and filed on March 9, 2017, the complainants appealed to this Commission alleging that the respondents had violated the disclosure provisions of the Freedom of Information ("FOI") Act by failing to comply with their records request.
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 requested records, to the extent they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

9. At the hearing on this matter, the complainants contended that pursuant to certain Connecticut general statutes, the town is required to perform appraisals on properties within the town and that such appraisals should include an assessed market value and a comparative market analysis which should be reflected in records of the tax assessor. In addition, the complainants testified that while there is nothing in the statutes that requires that the appraisals, along with the assessed market values and comparative market analysis, be in writing, the complainants contended that there should be some records responsive to their request.

10. It is found that the appraisals are calculated via a computer program, eliminating the need to generate the types of records the complainants requested.

11. The tax assessor testified credibly at the hearing on this matter that there are no records responsive to the complainants’ request. In addition, she testified credibly that, at some time shortly after receipt of his February 16, 2017 letter of request, she telephoned the complainant, Mr. Barney, at least once and told him so.

12. It is found that there are no records responsive to the complainants’ request.

13. It is concluded, therefore, that the respondents did not violate the provisions of §§1-210(a) and 1-212(a), G.S., of the FOI Act as alleged by the complainant.

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 January 10, 2018.



Cynthia A. Cannata  
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:

**JOHN BARNEY**, PO Box 41, Tariffville, CT 06081; **AND MAREK KEMENT**, 41 Perri Lane, Broad Brook, CT 06016

**TAX ASSESSOR, TOWN OF EAST WINDSOR, AND TOWN OF EAST WINDSOR** c/o Attorney Joshua A. Hawks-Ladds, Pullman & Comley, LLC, 90 State House Square, Hartford, CT 06103



---

Cynthia A. Cannata  
Acting Clerk of the Commission