

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Robert Fox,

Complainant

against

Docket #FIC 2017-0555

Business Manager, East Haven Public  
Schools; and East Haven Public Schools,

Respondents

March 14, 2018

The above-captioned matter was heard as a contested case on November 21, 2017, 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 August 28, 2017, the complainant requested many records concerning the Little Jackets pre-school program.
3. By letter filed September 13, 2017, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with copies of the records he requested.

4. 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, ... whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

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

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, ... or (3) receive a copy of such records in accordance with section 1-212.

6. Section 1-212(a), G.S., provides in relevant part: "Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.

7. It is found that all the records requested by the complainant are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

8. It is found that the respondents provided responsive records to the complainant, and that the only outstanding issue was whether images of the endorsed backs of checks were responsive to the complainant's request and should have been provided to him.

9. It is found that the respondents understood the complainant's request for "all check images" to mean only the front side of the checks. It is found that the complainant did not communicate that he wanted copies of both sides until the hearing in this matter. It is found that the respondents have no objection to providing the endorsed side, subject to possible redaction and the complainant paying the statutory fee.

10. It is found that the respondents' interpretation of the complainant's request was not unreasonable, especially in light of the fact that they otherwise satisfied the complainant's request.

11. It is concluded, therefore, that the respondents did not violate the FOI Act as alleged.

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 March 14, 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:

**ROBERT FOX**, 180 Coe Avenue, East Haven, CT 06512

**BUSINESS MANAGER, EAST HAVEN PUBLIC SCHOOLS; AND EAST HAVEN PUBLIC SCHOOLS**, c/o Attorney Joseph Zullo, Zullo, Zullo and Jacks, LLC, 83 Main Street, PO Box 120748, East Haven, CT 06512



Cynthia A. Cannata  
Acting Clerk of the Commission