

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Robert Meyers,

Complainant

Docket # FIC 2017-0630

against

Town Manager, Town of Windham;
and Town of Windham,

Respondents

March 28, 2018

The above-captioned matter was heard as a contested case on February 5, 2018, at which time the complainant and 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 June 29, 2017, the complainant was terminated from his employment with the Town of Windham. At the hearing in this matter, the complainant testified that at a July 3, 2017 meeting with the Town Manager, he was informed by the respondents that there had been complaints filed against the complainant.
3. It is found that, by email sent October 4, 2017, the complainant made a request to the respondents "to view any complaints filed about Robert Meyers, Windham Building official during his time of employment" ("October 4th request").
4. By email received and filed on October 18, 2017, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to respond to his October 4th request, described in paragraph 3, above.
5. Section 1-200(5), G.S., defines "public records or files" 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, 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....

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

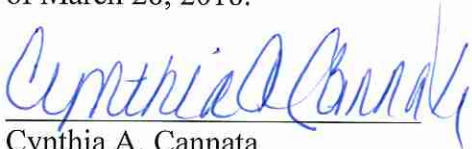
8. It is found that the respondents searched for, but did not locate, any written complaints that were responsive to the October 4th request.

9. It is concluded that the respondents did not violate the disclosure provisions of §1-210(a), G.S., 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 March 28, 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 MEYERS, 76a East Haddam Colchester Turnpike, Moodus, CT 06469

TOWN MANAGER, TOWN OF WINDHAM; AND TOWN OF WINDHAM, c/o
Attorney Richard S. Cody, 34 Church Street, Mystic, CT 06355



Cynthia A. Cannata
Acting Clerk of the Commission