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# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Vernon Leftridge,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2014-027

Attorney General, State of Connecticut, Office  
of the Attorney General; and State of  
Connecticut, Office of the Attorney General,  
Respondent(s)

August 20, 2014

### Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, September 10, 2014**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE August 27, 2014**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE August 27, 2014**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE August 27, 2014**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of  
Information Commission

W. Paradis  
Acting Clerk of the Commission

Notice to: Vernon Leftridge  
Antoria D. Howard, Esq.

2014-08-20/FIC# 2014-027/Trans/wrbp/VDH//GFD

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Vernon Leftridge,

Complainant

against

Docket #FIC 2014-027

Attorney General, State of Connecticut,  
Office of the Attorney General; and  
State of Connecticut, Office of the  
Attorney General,

Respondents

August 12, 2014

The above-captioned matter was heard as a contested case on July 22, 2014, 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 email dated January 14, 2014, the complainant requested copies of the following records from the respondents: "records of any notice of claims, [or] public lawsuit filed by your office as a plaintiff against me or my minor child." Thereafter, it is found that, by a second email also dated January 14, 2014, the complainant made a slightly different request for records from the respondents, as follows: "if you have records of a public claim notice (sic) filed by your law firm again me, please provide me with a certified copy of this alleged notice of petition against me or my minor child." Finally, it is found that, by email dated January 15, 2014, the complainant sent the respondents a third request for records, as follows:

My FOI is very clear, detailed and specific for certified copies of the alleged following:

- a. Requests for records of alleged initiated Petitions, Notice of claims, [and] Lawsuits filed by the Office of Connecticut Attorney General as plaintiff

against me or my biological minor child . . . between January 1, 2004 through January 1, 2014, including the public official identity (sic) who filed any of the forgoing specifically described requested documents if any such public records exist;

- b. Request for records of alleged initiated Petitions, Notice of Claims, Lawsuits, [and] Public Notice of Suit filed by the State of Connecticut as a plaintiff against me or my biological minor child . . . between January 1, 2004 through January 14, 2014, including the public official identity (sic) who is alleged to have filed any claim pursuant to the forgoing specifically described requested documents if any such public records exist; and
- c. Requests for records of alleged initiated Petitions, Notice of Claims, Title IV-D notice of suit, Lawsuits, [and] Public Notice of Suit filed by the Connecticut Department of Social Services as a plaintiff against me or my biological minor child . . . between January 1, 2004 through January 1, 2014, including the public official identity (sic) who is alleged to have filed any claim pursuant to the forgoing specifically described documents if any such public records exist.

3. By letter dated and filed January 15, 2014, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information Act ("FOI Act") by denying him access to public records.

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, 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.

5. 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 . . . .

6. 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.”

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

8. At the hearing in this matter, the complainant contended that it was his belief that the respondents had filed a lawsuit against him or his minor child, so they should have some records responsive to his request. In addition, by way of post-hearing brief, the complainant requested that the Commission impose civil penalties against the respondents.

9. It is found that, by letter dated January 16, 2014—which was only two days following the complainant’s initial request for records, (see ¶ 2, above), the respondents acknowledged the complainant’s requests, but indicated that they had no responsive records.

10. It is further found that, by letter dated February 7, 2014, the respondents again corresponded with the complainant. It is found that, at that time, the respondents informed the complainant that, while they did not have any records with regard to lawsuits or petitions commenced by their office against the complainant or his minor child, they did discover in their possession some motions, with summonses attached, which had been commenced by the State of Connecticut in a child support proceeding. It is found that the respondents did not initially consider these records responsive because the Office of the Attorney General had not commenced these proceedings. It is found that the respondents informed the complainant that, while he should already have these motions in his possession, if he desired a copy there were 69 pages which they would provide to him at a cost of \$17.25 (69 pages x .25 cents per page). It is found, however, that the complainant did not respond to the February 7, 2014 letter.

11. It is found that, just as the respondents suspected, the complainant did not respond to the respondents’ February 7, 2014 letter concerning the records in their possession because he was not interested in obtaining records where the Office of the Attorney General was not the named party initiating a litigation.

12. It is further found that, in this case, the respondents would not have records responsive to the complainant’s requests as they are *counsel* to multiple other agencies, specifically in the child support context, that might file suit against individuals. However, it is found that, because the respondent Office of the Attorney General is counsel to these other agencies, such office would not be the party—that is, the petitioner or the plaintiff--*initiating* a legal action against the complainant or his minor child.

13. It is therefore found that the respondents did not maintain any records reflecting that the respondents had initiated a legal proceeding against the complainant or his minor

child. It is further found that, other than the records which were offered to the complainant, the respondents did not maintain any records which were relevant to or related to another state agency initiating a legal proceeding against the complainant or his minor child.

14. It is concluded that the respondents did not violate the 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.



Valicia Dee Harmon  
as Hearing Officer