

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Eric Handel,

Complainant

Docket # FIC 2016-0648

against

Commissioner, State of Connecticut,  
Department of Motor Vehicles; and State of  
Connecticut, Department of Motor Vehicles,

Respondents

July 26, 2017

The above-captioned matter was heard as a contested case on April 18, 2017, and May 16, 2017, at which times 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 August 5, 2016, the complainant made a records request to the respondents utilizing the Department of Motor Vehicles (DMV) "Copy Records Request" J-23 form. It is found that the complainant checked off the box for "Miscellaneous Request" and specified that he sought "info on who has been accessing my record as well as it's [sic] complete contents per FOIA." It is found that the statutory fee for such records request is \$20.00.<sup>1</sup>
3. It is found that, by letter dated August 24, 2016, the respondents informed the complainant that they were unable to complete his August 5<sup>th</sup> request, described in paragraph 2, above, because the fee was not included, and requested that he submit \$20.00. No further explanation was provided at that time.
4. By email dated September 8, 2016, the complainant appealed to the Freedom of Information ("FOI") Commission, alleging that the respondents violated the FOI Act by failing to comply with his August 5<sup>th</sup> request, described in paragraph 2, above.
5. Section 1-200(5), G.S., defines "public records or files" as:

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<sup>1</sup> Conn. Gen. Stat. §14-50a enumerates the items and services for which the Commissioner of Motor Vehicles shall charge a \$20.00 fee.

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 . . . (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 "any 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 complainant are public records and must be disclosed in accordance with §§1-200(5), 1-210(a) and 1-212(a), G.S.

9. It is found that there was a disagreement between the parties as to whether the complainant submitted the proper statutory fee of \$20.00 with his August 5<sup>th</sup> request, described in paragraph 2, above. Nevertheless, it is further found that at such time, the complainant's checking account was not debited for the amount of \$20.00.

10. Accordingly, it is concluded that the respondents did not violate the disclosure provisions of the FOI Act.

11. The Commission notes that, after the complaint was filed in this matter, the complainant made a second request to the respondents for the information described in paragraph 2, above, and was provided with the only documents that the respondents possess that are responsive to his requests.

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 July 26, 2017.



Cynthia C. 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:

**ERIC HANDEL**, 98 Gospel Lane, Portland, CT 06480

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF MOTOR VEHICLES; AND STATE OF CONNECTICUT, DEPARTMENT OF MOTOR VEHICLES**, c/o Attorney Michaela J. Rosenberger, 60 State Street, Wethersfield, CT 06161



Cynthia C. Cannata  
Acting Clerk of the Commission