

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Victor Earl Smalls,

Complainant

against

Docket #FIC 2016-0685

Commissioner, State of Connecticut,
Department of Correction; and
State of Connecticut, Department of
Correction,

Respondents

August 9, 2017

The above-captioned matter was scheduled to be heard as a contested case on June 15, 2017, at which time the complainant and the respondents appeared. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOI C, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

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 the complainant made four separate written requests, two dated September 1, 2016 and two dated September 12, 2016, for certain records maintained by the respondents.
3. It is found that, in a document entitled "Affidavit of F.O.I. Requester," dated September 18, 2016, and received by the Commission on September 29, 2016, the complainant informed the Commission of the requests, referenced in paragraph 2, above, and that he is an inmate incarcerated at Northern Correctional Institution and therefore had no one to represent him. The complainant attached copies of the four requests to the Affidavit. It is found, however, that the "Affidavit" did not allege that his requests had been denied or that the respondents violated the Freedom of Information ("FOI") Act.
4. Section 1-206(b)(1), G.S., provides, in relevant part: "[a]ny person denied the right to inspect or copy records under section 1-210 or wrongfully denied the right to attend any meeting of a public agency or denied any other right conferred by the Freedom of Information Act may

appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission.

5. It is concluded that, because the Affidavit does not allege a denial of the right to inspect or copy records or any other right conferred by the FOI Act, the Commission lacks jurisdiction over this matter.

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 August 9, 2017.



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:

VICTOR EARL SMALLS, #344109, Northern Correctional Institution, 287 Bilton Road,
PO Box 665, Somers, CT 06071

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF
CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF
CORRECTION**, c/o Attorney Nancy Kase O'Brasky, Department of Correction, 24 Wolcott
Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission