

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Kacey Lewis,

Complainant

against

Docket #FIC 2017-0432

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

Respondents

May 9, 2018

The above-captioned matter was heard as a contested case on March 27, 2018, at which time the complainant and the respondents appeared. For purposes of hearing, the above-captioned matter was consolidated with Docket #FIC 2017-0434; Kacey Lewis v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction.

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. FOIC et al, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

During the portion of the hearing that parties are given the opportunity to stipulate to facts and exhibits, the complainant offered three exhibits which were three letters: two drafted by the complainant to the respondent department and the third drafted by a member of the respondent department's staff to the complainant. Counsel for the respondents stated that the respondents did not object to the third letter but that they did object to the first two letters because "...they never received them...."

The complainant then stated that he did not understand on what basis the objection was being made, at which point the Hearing Officer attempted to explain that: during this portion of the hearing, the goal is to expedite the hearing process by first marking the evidence that both parties can agree should be part of the evidentiary record; that the two letters would be marked for identification; and that he could offer the letters during the presentation of his case, after he was sworn in, at which time the Hearing

Officer would hear the basis for the respondents' objection, allow the complainant an opportunity to respond, and then make a ruling on the admissibility of the letters.

The complainant, however, interrupted the Hearing Officer and informed her of the action he claimed to have filed against her for allegedly violating his rights during a prior hearing and then informed the Hearing Officer of the manner in which the hearing would proceed – specifically that the Hearing Officer was to direct counsel for the respondents to state the basis of her objection “*now*.” The Hearing Officer advised the complainant that if he did not follow her directions and allow her to conduct the hearing, she would close the hearing and dismiss the complaint. The complainant, however, stated that he would file an additional action against the Hearing Officer if she did not comply with his directive and proceed with the hearing in the manner that he desired. The Hearing Officer advised the complainant again that if he did not follow her directions and allow her to conduct the hearing, she would close the hearing and dismiss the complaint. The complainant continued to insist that the Hearing Officer comply with his directive and proceed with the hearing in the manner that he desired. Consequently, the Hearing Officer closed the hearing.

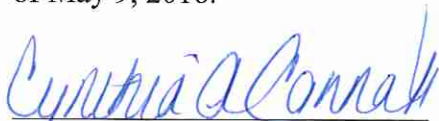
The Commission takes administrative notice of the hearing and administrative record in Docket #FIC 2015-356; Kacey Lewis v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction, in which the complainant refused to take directives from the Hearing Officer and allow her to conduct the hearing in that matter. That hearing was prematurely closed.

The Commission also takes administrative notice of the hearing and administrative record in Docket #FIC 2017-0180; Kacey Lewis v. Chief, Police Department, City of Waterbury; and Police Department, City of Waterbury in which the Commission found that during the hearing, the complainant: refused to follow the directions of the Hearing Officer, therein; having taken the oath, contended that his statements were not testimony; refused to answer questions under cross-examination; informed the Hearing Officer that he would not proceed with the hearing after the Hearing Officer sustained an objection of the respondents; and contended that the hearing was a “sham.” The hearing in that matter was prematurely closed.

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 with prejudice.

Approved by Order of the Freedom of Information Commission at its regular meeting of May 9, 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:

KACEY LEWIS, #165480, MacDougall-Walker Correctional Institution, 1153 East Street South, Suffield, CT 06080

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION, c/o Attorney Nancy Canney, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission