

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Timothy Cantafio,

Complainant

against

Docket #FIC 2019-0223

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

Respondents

October 23, 2019

The above-captioned matter was heard as a contested case on September 27, 2019, at which time the respondents appeared but the complainant did not personally appear. A non-lawyer representative of the complainant appeared. At the conclusion of the preliminary remarks, the respondents moved for dismissal.

In their motion for dismissal, the respondents contended that the absence of the named complainant precluded them from being able to cross-examine the complainant regarding conversations and correspondence exchanged between the complainant and the respondents.

It is found that in a letter to the Commission filed September 13, 2019, the complainant asked that a non-lawyer representative, Mr. Joseph Lagosz, be allowed to represent him at the hearing in this matter scheduled for September 17, 2019. The complainant made such request citing a heavy work schedule. However, the respondents moved to reschedule the September 17, 2019 hearing and the hearing was subsequently rescheduled to September 27, 2019. Notice was sent to all parties regarding the new date for the hearing. The Commission received no notice from the complainant indicating he would not be available to personally attend the hearing on September 27, 2019, nor did the Commission receive notice that Mr. Lagosz would continue to serve as the complainant's representative.

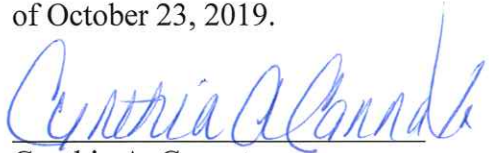
Mr. Lagosz appeared at the September 27, 2019 as a representative of the complainant. In response to the respondents' motion to dismiss, Mr. Lagosz did not voice an objection but said, "If she [Atty. Sexton, representing the respondents] doesn't like this, I can re-file under my name and we can all go home today."

Accordingly, the respondents' motion to dismiss was granted.

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 October 23, 2019.



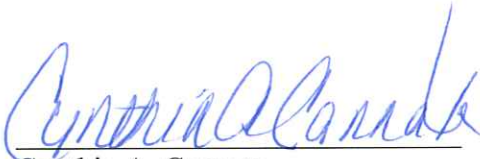
Cynthia A. Cannata  
Acting Clerk of the Commission

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:

**TIMOTHY CANTAFIO**, 72 Tait Road, Trumbull, CT 06611

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION; AND STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION**, c/o Attorney Alice Sexton, Department of Transportation, 2800 Berlin Turnpike, Newington, CT 06111



Cynthia A. Cannata  
Acting Clerk of the Commission