

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION
Upon Remand

The Connecticut Campaign for
Consumer Choice,

Complainant

against

Docket #FIC 2016-0497

Katherine L. Wade, Commissioner, State
of Connecticut, Department of Insurance;
and State of Connecticut, Department of
Insurance,

Respondents

June 24, 2020

The above-captioned matter was heard as a contested case on April 18, 2017 and May 22, 2017, at which times the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. A Report of Hearing Officer was transmitted to the parties on June 7, 2017, and the Commission issued a Final Decision in this matter on June 28, 2017. Such Final Decision was appealed by the respondents, and on June 12, 2019, the Superior Court issued a Memorandum of Decision, concluding that the Commission's assessment of a \$500.00 fine against the Commissioner of Insurance was an abuse of discretion, ordering the respondent Department of Insurance to provide the Commission with in camera records, and remanding the matter back to the Commission for further proceedings. Commissioner, Department of Insurance v. Freedom of Information Commission, CV-17-6039096-S, Superior Court, J.D. of New Britain (Memorandum of Decision June 12, 2019) (Tanzer, J.T.R.); Commissioner, Department of Insurance v. Freedom of Information Commission, CV-17-6039097-S, Superior Court, J.D. of New Britain (Memorandum of Decision June 12, 2019) (Tanzer, J.T.R.)

The respondents submitted in camera records to the Commission on September 27, 2019, in compliance with the Court's order. Thereafter, on November 12, 2019, the complainant filed with the Commission a withdrawal of the complaint in this matter. The Commission takes administrative notice of such withdrawal.

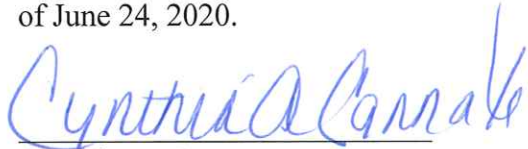
In light of the complainant's November 12, 2019, withdrawal, the Commission finds that there is no longer a contested case, and the matter is now moot. See Department of Public Safety v. Freedom of Information Commission, et. al, 103 Conn. App. 571 (2007) (where the complainant notified the Commission that the requested records had been disclosed and requested that it take no further action on her complaint, the Court concluded that the matter

became moot, as a controversy no longer existed). In the absence of a contested case, the Commission lacks jurisdiction in this matter.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned matter:

1. Based on the complainant's November 12, 2019 withdrawal, the Commission's June 28, 2017 Final Decision is rescinded, and the complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 24, 2020.



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:

THE CONNECTICUT CAMPAIGN FOR CONSUMER CHOICE, c/o Attorney Kevin Godbout, Neubert, Pepe & Monteith, P.C., 195 Church Street, 13th Floor, New Haven, CT 06510

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF INSURANCE, AND STATE OF CONNECTICUT, DEPARTMENT OF INSURANCE, c/o Assistant Attorney General John Langmaid, Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106



Cynthia A. Cannata
Acting Clerk of the Commission