

STATE OF CONNECTICUT  
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Andres Sosa,

Complainant

against

Docket # FIC 2023-0071

Commissioner, State of Connecticut,  
Department of Public Health; and State of  
Connecticut, Department of Public Health,

Respondents

February 14, 2024

The above-captioned matter was heard as a contested case on October 30, 2023, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. 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 Anthony Sinchak v. Freedom of Information Commission, Docket No. CV 03-0826293, 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, by letter<sup>1</sup> dated October 12, 2022, and received by the respondents on January 27, 2023,<sup>2</sup> the complainant requested that the respondents provide him with copies of:

[a.] Credential for Christina C. Wright, Showing she was license[d]  
as a Psychiatric APRN to treat Adult's, to Diagnose patient's, to  
question & change patient's diagnose by doctor's of the same  
profession prior or at the time she was hired by Uconn  
CMHC/URC and Connecticut State Department of Correction,  
Department of Administrative Services, State of Connecticut

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<sup>1</sup> The Commission notes that the complainant typed his records request on a United States District Court Subpoena to Produce Documents, Form AO88B, which the parties did not dispute constituted the complainant's records request pursuant to the Freedom of Information Act.

<sup>2</sup> At the hearing in this matter, the complainant testified that he did not recall the date that he mailed his records request described in paragraph 2, above. The Commission notes that certain of the respondents' exhibits appear to state that the complainant's request was dated January 24, 2023. Nonetheless, the respondents' witness testified, and it is found, that the respondents received the request on January 27, 2023. The Commission further notes that the complainant did not dispute this testimony.

[Department] of public Health., during the time from: 2016 until 2018., as permitted by law to evaluate and care for the mental health needs of the [complainant].

[b.] Christina C. Wright credentials showing she was licensed to practice medicine in the State of Connecticut, that she was licensed to hold a Connecticut Controlled Substance - Registration license as permitted by law that will allowed her to prescribed psychiatric - medication to the [complainant] and or to stop any psychiatric medication the [complainant] was prescribed by a doctor of the same mental health profession, during the time from: 2016 until 2018.

[c.] Jennine Brennan, RN credentials showing she was licensed as a psychiatric nurse, and to served as permitted by law to evaluate and care for the mental health needs of the [complainant] during the time Ms. Brennan work in that position at: Corrigan - Radgowski Correctional Center, assisting ... Christina C. Wright during the period of time from: 2016 until 2018.

3. It is found that, by letter dated January 27, 2023, the respondents acknowledged the complainant's request described in paragraph 2, above.

4. It is found that, on January 30, 2023, the respondents mailed a cover letter and a copy of a license verification form documenting the status of the Advanced Practice Registered Nurse ("APRN") license for Christina C. Wright ("License Verification"), in an envelope addressed to the complainant at the Chesire Correctional Institution. It is also found that the January 30, 2023 cover letter informed the complainant of the following:

Attached are records that the Department of Public Health (the "Department") has that are responsive to your request related to Christina Wright. There were no responsive documents for Jennine Brennan being licensed as an RN. Controlled substance licenses are issued through the Department of Consumer Protection and not through this Agency. This completes the Department's response to your request.

5. By letter of complaint dated February 15, 2023, and filed February 23, 2023, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide records responsive to the request described in paragraph 2, above.

6. Section 1-200(5), G.S., provides:

"Public records or files" means 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, videotaped, printed, photostated, photographed or recorded by any other method.

7. Section 1-210(a), G.S., provides, in relevant part:

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 ... (3) receive a copy of such records in accordance with the provisions of section 1-212.

8. Section 1-212(a), G.S., provides in relevant part: “Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

9. It is concluded that the requested records, to the extent that they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. It is found that the respondents received a copy of the complaint described in paragraph 5, above, sometime in April 2023, and that, on April 25, 2023, the respondents emailed copies of the January 30, 2023 letter, described in paragraph 4, above, and the License Verification, to the State of Connecticut, Department of Correction (“DOC”) in accordance with §1-210(c), G.S.,<sup>3</sup> and the policies of the DOC to ensure that the complainant had received them.

11. It is found that the respondents additionally sent copies of the January 30, 2023 letter and the License Verification to the DOC through the GOVQA<sup>4</sup> portal on May 3, 2023.

12. It is found that, on April 26, 2023, and May 17, 2023, the DOC Counselor Supervisor/FOI Administrator informed the respondents that the complainant had refused to accept the copies of the January 30, 2023 letter and License Verification and that he claimed he had not requested such records.

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<sup>3</sup> Section 1-210(c), G.S., provides:

[w]hensoever a public agency receives a request from any person confined in a correctional institution or facility or a Whiting Forensic Hospital facility, for disclosure of any public record under the Freedom of Information Act, the public agency shall promptly notify the Commissioner of Correction or the Commissioner of Mental Health and Addiction Services in the case of a person confined in a Whiting Forensic Hospital facility of such request, in the manner prescribed by the commissioner, before complying with the request as required by the Freedom of Information Act. If the commissioner believes the requested record is exempt from disclosure pursuant to subdivision (18) of subsection (b) of this section, the commissioner may withhold such record from such person when the record is delivered to the person's correctional institution or facility or Whiting Forensic Hospital facility.

<sup>4</sup> GOVQA is the web based public records management system the respondents began to utilize in February 2023.

13. At the hearing in this matter, the complainant contended that the respondents denied his records request described in paragraph 2, above, by failing to provide him with the records he had requested and that the records the respondents attempted to provide to him were irrelevant and nonresponsive. The complainant additionally argued that he had requested records documenting that Ms. Wright was licensed as a “psychiatric” APRN, as opposed to an APRN.

14. It is found that the Public Health Services Manager of the Practitioner Licensing and Investigations Section (“Public Health Services Manager”) of the respondent Department of Public Health (“DPH”) personally and thoroughly searched for the requested records.

15. With respect to the requests described in paragraphs 2.a. and 2.b., above, it is found, based upon the credible testimony of the respondents’ witnesses, that the respondents conducted a reasonable and diligent search for responsive records and located one record, the License Verification, which they provided to the complainant, as described in paragraphs 4, 10 and 11, above. It is found that the License Verification was responsive to such requests as it related to Ms. Wright’s APRN license and her license to practice medicine in the State of Connecticut. Also based upon the credible testimony of the respondents’ witnesses, it is found that the respondents do not maintain any other records responsive to these requests. Based upon the credible testimony of the Public Health Services Manager, it is further found that the respondents do not maintain responsive records concerning licenses to prescribe controlled substances and that the DPH does not issue “psychiatric” APRN licenses.

16. With respect to the request described in paragraph 2.c., above, it is found, based upon the credible testimony of the respondents’ witnesses, that the respondents conducted a reasonable and diligent search and that they do not maintain any records responsive to such request.


17. Based on the facts and circumstances of this case, it is found that the respondents promptly complied with the complainant’s records request.

18. It is therefore concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

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 February 14, 2024.


  
Jennifer M. Mayo  
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:

**ANDRES SOSA, #260589**, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC HEALTH; AND STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC HEALTH**, c/o Assistant Attorney General Alina Bricklin-Goldstein, Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106



Jennifer M. Mayo  
Acting Clerk of the Commission