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# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Victor Earl Smalls  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2016-0685

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

Respondent(s)

July 20, 2017

### Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, August 9, 2017**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE July 28, 2017**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE July 28, 2017**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE July 28, 2017** and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of  
Information Commission

Wendy R.B. Paradis  
Acting Clerk of the Commission

Notice to: Victor Earl Smalls  
Attorney Nancy Kase O'Brasky  
cc: Craig Washington

FIC# 2016-0685/ITRA/KKR//VDH/WRBP/2017-07-20

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Victor Earl Smalls,

Complainant

against

Docket #FIC 2016-0685

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

Respondents

June 20, 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.



Kathleen K. Ross  
As Hearing Officer

FIC2016-0685/hor/kkr/06202017