

DOCKET NO: HHBCV255039727S

SUPERIOR COURT

ORDER 438570

WOZAR, MARK
V.
FREEDOM OF INFORMATION
COMMISSION Et Al

JUDICIAL DISTRICT OF NEW BRITAIN
AT NEW BRITAIN

5/1/2026

ORDER

ORDER REGARDING:
02/06/2026 110.00 MOTION TO DISMISS PB 10-30

The foregoing, having been considered by the Court, is hereby:

ORDER: GRANTED

The motion to dismiss is granted.

The defendant, the Freedom of Information Commission, moves to dismiss the administrative appeal of the plaintiff, Mark Wozar, on the ground that Mr. Wozar did not serve the commission in accordance with General Statutes § 1-206(d).

General Statutes § 1-206(d) states that “notwithstanding the provisions of subsection (c) of section 4-183 and section 52-64, all process shall be served upon said commission at its office.” In this matter, the return of service plainly states that the plaintiff served the complaint on the Office of the Attorney General, not at the offices of the Freedom of Information Commission. See Docket Entry No. 100.31.

“An administrative appeal filed pursuant to § 4–183 must be served on the agency that rendered the decision within forty-five days after issuance of the agency's decision.” See *Tolly v. Dept. of Human Resources*, 225 Conn. 13, 27–28, 621 A.2d 719 (1993). “If there is no service at all on the agency within the forty-five day period, the court lacks subject matter jurisdiction over the appeal by virtue of the clear implication of the language in § 4–183, read against the background of the preexisting law.” *Id.*, 28. In this case there is no evidence that the commission was served at its offices within 45 days of the date of the decision under appeal. Therefore, the court must dismiss this case. See *Karagozian v. Freedom of Info. Comm'n*, No. HHBCV166034438S, 2016 WL 7742922, at *3 (Conn. Super. Ct. Dec. 2, 2016).

This matter is dismissed.

Judicial Notice (JDNO) was sent regarding this order.

438570

Judge: MATTHEW JOSEPH BUDZIK

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.