

OFFICE OF CLERK
SUPERIOR COURT

DOCKET NO. HHB-CV25-5039815-S : SUPERIOR COURT
2025 SEP -1 AM: 02
IRA ALSTON, JUDICIAL DISTRICT OF : JUDICIAL DISTRICT OF
Plaintiff NEW BRITAIN : NEW BRITAIN
v. : AT NEW BRITAIN
FREEDOM OF INFORMATION COMMISSION, : SEPTEMBER 1, 2026
Defendants :

MEMORANDUM OF DECISION

This is an administrative appeal from a final decision of the Freedom of Information Commission (the commission or FOIC).¹

The record with regard to filing the complaint and service is as follows. The commission issued its final decision on June 17, 2025. On August 21, 2025, the plaintiff moved due to indigency to waive filing fees and service by marshal fees, and this motion was granted on the same day. On September 9, 2025, the marshal made a return that he served the commission by "leaving a true and attested copy" with a representative of the attorney general.

The plaintiff stated at oral argument that he told the marshal to serve the commission at its offices. He also claims that he used the notice summons form, not the citation form, as he was informed by the Hartford clerk's office to use this form.²

¹ Because the plaintiff complainant to the commission was denied by the commission of the record requested, he is aggrieved under General Statutes § 4-183 (a).

² The plaintiff on August 27, 2026, submitted correspondence from the Hartford clerk's office, but it merely told him to follow § 4-183 (c) when serving by mail.

mailed to Plaintiff at Osborn CI.
Electronic notice given to Def. atty. P. Price.
A. Jordanopoulos, clerk 9-1-26 125

There are two problems with the plaintiff's service. First, *Tolly v. Dept. of Human Resources*, 225 Conn. 13, 20, 621 A.2d 719 (1993), holds that use of a citation is required if one elects to use a marshal, as opposed to certified mail. Under *McQuillan v. Dept. of Liquor Control*, 216 Conn. 667, 583 A.2d 633 (1990), the citation form is the direction by the marshal for the defendant to appear in court. Here, no citation was used; the summons form for certified mail was used. The form the plaintiff used clearly states that it is to be used only in mail service.

Secondly, General Statutes § 1-206 (d) requires that the FOIC be served at its office. This was not done here. See *Parsons v. Freedom of Information Commission*, Superior Court, judicial district of New Britain, Docket No. HHB-CV18-6047762-S (September 9, 2019, *Huddleston, J.*) (dismissing case for service at another location, not FOIC office).

The plaintiff claims that he specifically directed the marshal to serve the complaint at the FOIC's offices in his summons form.³ But without a citation, the failure of the marshal to serve properly must fail. *R.C. Equity Group, LLC v. Zoning Commission*, 285 Conn. 240, 254, 939 A.2d 1122 (2008) (marshal's "sole duty is to make service as directed by the citation. . ."). Unless the marshal incorrectly followed the citation, the plaintiff is without relief. *Id.*, 246-247.

The two defects (failure to use a citation and failure to serve at the correct address) require the court to grant the motion to dismiss. The court lacks subject matter jurisdiction.

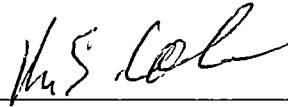
It did not direct him to omit use of a citation when service is made by a marshal.

³ The document submitted by the plaintiff on August 27, 2026, shows that he did indicate in a letter to the marshal that service was to be at the FOIC offices. The summons form gave the correct address for the FOIC.

Lewis v. Freedom of Information Commission, 202 Conn. App. 607, 246 A.3d 507 (2021).

The motion to dismiss is granted.

So Ordered.

A handwritten signature in black ink, appearing to read "H. S. Cohn", written over a horizontal line.

Henry S. Cohn, JTR