

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION
Upon Remand

Kevin Kelly,

Complainant

against

Docket #FIC 2016-0638

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

Respondents

March 24, 2021

The above-captioned matter was heard as a contested case on December 14, 2016, April 3, 2017 and April 21, 2017, at which times the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The Commission issued a Final Decision in this matter on June 28, 2017, ordering disclosure of certain requested records. Such Final Decision was appealed by the respondents, and on June 12, 2019, the Superior Court issued a Memorandum of Decision, 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, J.D. of New Britain, Memorandum of Decision, CV-17-6039096-S (June 12, 2019) (Tanzer, J.T.R.); Commissioner, Department of Insurance, J.D. of New Britain, Memorandum of Decision, CV-17-6039097-S (June 12, 2019) (Tanzer, J.T.R.).

Thereafter, the respondents submitted in camera records to the Commission in compliance with the Court's order, and moved the Commission to conduct a hearing in order to present evidence with respect to the in camera records. Such motion, being unopposed, was granted, and a hearing in such matter was duly scheduled for February 26, 2021. However, on February 23, 2021, the complainant filed with the Commission a withdrawal of the complaint in this matter, informing the Commission that the parties had agreed to settle the underlying complaint and requesting that the February 26, 2021 hearing be therefore canceled. The Commission takes administrative notice of such withdrawal.

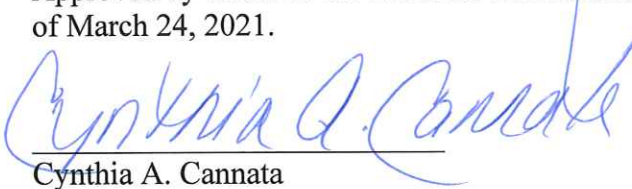
In light of the complainant's February 23, 2021 withdrawal, the Commission finds that there is no longer a contested case, and the matter is now moot. See Department of Public Safety v. Freedom of Information Commission, et. al, 103 Conn. App. 571 (2007) (where the complainant notified the Commission 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 February 23, 2021 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 March 24, 2021.



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:

KEVIN KELLY, c/o Attorney James Rocco, Legislative Office Building, 300 Capitol Avenue, Room 3400, Hartford, CT 06106

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



Cynthia A. Cannata
Acting Clerk of the Commission