

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Anthony Santaniello,

Complainant

against

Docket # FIC 2021-0166

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

Respondents

February 23, 2022

The above-captioned matter was heard as a contested case on December 10, 2021, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session). At the time of the request and hearing in this matter, the complainant was incarcerated.

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 request (DOC Form CN9601) dated March 15, 2021, the complainant requested "copies of post orders and duties for RHU [restrictive housing unit] post."
3. By letter of complaint filed June 18, 2021, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for records.
4. It is found that, between the date of the request on March 15, 2021, and the date of the complaint, there was no correspondence between the complainant and the respondents with regard to the request.
5. Section 1-206(b)(1), G.S., provides in relevant part that:

[a]ny person denied the right to inspect or copy records under section 1-210 ... may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed not later than thirty days after such denial....

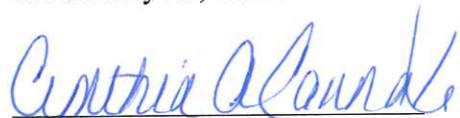
6. It is found that the complaint was not filed within 30 days of the alleged denial, as required by §1-206(b)(1), G.S.¹

7. Accordingly, it is concluded that this appeal is not timely and therefore the Commission lacks jurisdiction to adjudicate such appeal.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 23, 2022.



Cynthia A. Cannata
Acting Clerk of the Commission

¹ On March 25, 2020, the Governor issued Executive Order 7M (§2(1)), thereby suspending the provisions of §1-206(b)(1), G.S., requiring the filing of an appeal with the Freedom of Information Commission not later than thirty days after any alleged denial. However, Executive Order 7M (§2(1)) applied only to appeals filed prior to April 19, 2021. Appeals filed on or after April 19, 2021, must be associated with a denial that occurred within 30 days of such appeal. In the instant matter, the appeal was filed on June 18, 2021, and related to a denial that occurred on or about March 19, 2021.

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:

ANTHONY SANTANELLO, #298051, MacDougall-Walker Correctional Institution, 1153 East Street South, Suffield, CT 06080

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION;
AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION, c/o Attorney L. McCurdy, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission