

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Vernon Leftridge Jr.,

Complainant

against

Docket # FIC 2020-0428

Attorney General, State of Connecticut,
Office of the Attorney General; and State of
Connecticut, Office of the Attorney General,

Respondents

March 9, 2022

The above-captioned matter was heard as a contested case on September 14, 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).

Immediately following the hearing, the hearing officer issued an order directing the respondents to submit additional evidence in the form of an affidavit. On October 3, 2021, the respondents submitted an affidavit with attachments, which were admitted without objection: Respondents' Exhibit 6 (after-filed): Affidavit of Sean Kehoe, dated October 3, 2021, with Attachments 1 and 2.

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 email dated September 5, 2020, the complainant requested a copy of the following records:
 - (a) Information, materials and documents and copies of any "UIFSA"¹ petitions and "UIFSA" complaints filed by the respondents regarding Niambi Heyward v. Vernon J. Leftridge, Jr.

¹ UIFSA, or the Uniform Interstate Family Support Act, allows for the enforcement of child-support orders issued by an out-of-state court.

- (b) Information and copies of documents held by the respondents concerning Mr. Leftridge's "personal private HIPPA protected medical information."
- (c) Information, materials and documents held by the respondents concerning Mr. Leftridge's eldest son.
- (d) Information, financial affidavits, tax records, materials, tax records pertaining to Niambi Heyward, from 2014-2109 held by the respondents and used to determine UIFSA support.
- (e) Information, materials and documents held by the respondents concerning Mr. Leftridge's "minor child."

3. It is found that by letter dated September 8, 2020, the respondents acknowledged the complainant's request and informed the complainant that, to the extent they maintain any records responsive to the request set forth in paragraph 2, above, such records would be exempt from disclosure pursuant to §§1-210(a), 1-210(b)(4), and 17b-90, G.S.

4. By email dated September 9, 2020,² the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for certain public records.

5. At the time of the request in this matter, §1-200(5), G.S., provided:

"[p]ublic records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.³

6. Section 1-210(a), G.S., provides in relevant part that:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to . . . (3) receive a copy of such records in accordance with section 1-212.

² On March 25, 2020, the Governor issued Executive Order 7M, thereby suspending the provisions of Conn. Gen. Stat. §1-206(b)(1), which requires the Freedom of Information Commission to hear and decide an appeal within one year after the filing of such appeal. Executive Order 7M is applicable to any appeal pending with the Commission on the issuance date and to any appeal filed on or after such date, through June 30, 2021. Consequently, the Commission retains jurisdiction.

³ The Commission notes that §1-200(5), G.S., was subsequently amended to include the term "videotaped." See June Sp. Sess. Public Act 21-2, §147.

7. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

8. It is found that the records described in paragraph 2, above, are public records within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

9. At the hearing, the respondents contended that all the records that they maintain that are responsive to the complainant’s request had been provided to the complainant. The complainant disputed this contention.

10. It is found that the complainant was a party to a UIFSA petition initiated by the State of Maryland and served upon the complainant by the State of Connecticut, Support Enforcement Services (“SES”). It is found that SES is a part of the Judicial Branch and that the respondents represented SES with respect to the UIFSA petition identified in paragraph 2(a), above.

11. It is found that, following receipt of the request, the respondents conducted a reasonable and diligent search for responsive records. It is found that the respondents did not maintain any records responsive to the request described in paragraphs 2(a), 2(b), 2(d), and 2(e), above, at the time of such request.

12. With respect to the records responsive to the request set forth in paragraph 2(c), above, it is found that the only responsive record that the respondents maintained at the time of the request was a legal brief filed by the respondents on behalf of SES in 2014. It is further found that the legal brief was provided to the complainant, free of charge.

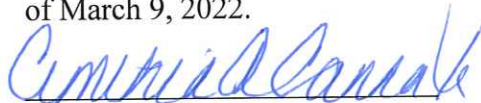
13. It is further found that, on or about February 2021, the respondents came into possession of a redacted copy of the UIFSA petition identified in paragraph 2(a), above.⁴ It is found that, after receipt of such record, the respondents provided a copy to the complainant, free of charge.

14. Based on the foregoing, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., as alleged in the complaint.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 9, 2022.



Cynthia A. Cannata
Acting Clerk of the Commission

⁴ The respondents requested a copy of the petition from SES in order to include it in an appendix to an appellate brief in a separate matter.

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:

VERNON LEFTRIDGE JR., 18235 Shapwick CT, Hagerstown, MD. 21740-7244

ATTORNEY GENERAL, STATE OF CONNECTICUT, OFFICE OF THE ATTORNEY GENERAL; AND STATE OF CONNECTICUT, OFFICE OF THE ATTORNEY GENERAL, c/o Associate Attorney General Antoria D. Howard, Esq., State of Connecticut, Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106



Cynthia A. Cannata
Acting Clerk of the Commission