

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Leah Cantor,

Complainant

against

Docket # FIC 2023-0038

Commissioner, State of Connecticut,
Department of Consumer Protection; and
State of Connecticut, Department of
Consumer Protection,

Respondents

June 28, 2023

The above-captioned matter was scheduled to be heard as a contested case on May 22, 2023. While the respondents appeared, with witnesses, the complainant failed to appear.¹

Prior to the hearing, the complainant filed with the Commission an email, dated May 19, 2023. In such email the complainant wrote:

“Based on past history with FOI and [the Dept. of Consumer Protection], my appearance at the hearing on 5/22/23 will not accomplish what I seek ... I see no reason to attend.

I DO NOT however withdraw my complaint....”

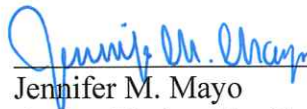
At the hearing, the respondents stated that they worked diligently to provide the complainant with all records responsive to her request and that they were prepared to proceed in support of their contention that they complied with the Freedom of Information Act. The respondents expressed disappointment that, despite such compliance and preparation for a hearing, the complainant refused to withdraw her complaint, while simultaneously refusing to appear for a contested case hearing.

¹ The Commission notes that the complainant also failed to appear for a contested case hearing in Leah Cantor v. Dept. of Consumer Protection, Docket #FIC 2022-0091 (Feb. 8, 2023).

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

1. The complaint is dismissed for failure to prosecute.
2. The complainant is admonished for her failure to appear at the hearing in this matter, which failure resulted in a waste of scarce state resources.
3. The complainant is cautioned that, in accordance with §1-206(b)(3)(D), G.S., the Commission may consider a history of nonappearance at its proceedings as cause to decline scheduling a contested case hearing.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 28, 2023.



Jennifer M. Mayo
Acting Clerk of the Commission

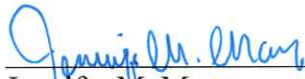
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PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

LEAH CANTOR, 199 N. River Road, Shelbourne Falls, MA 01370

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CONSUMER PROTECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CONSUMER PROTECTION, c/o Deputy Attorney General Michael C. Wertheimer and Assistant Attorney General Kim C. McGee, Office of the Attorney General, 165 Capitol Ave, Hartford, CT 06106



Jennifer M. Mayo
Acting Clerk of the Commission

FIC 2023-0038/FD/JMM/6/28/2023