

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Renee Coleman-Mitchell,

Complainant

against

Docket # FIC 2020-0512

Governor, State of Connecticut, Office of
the Governor; and State of Connecticut,
Office of the Governor,

Respondents

May 24, 2023

The above-captioned matter was first scheduled to be heard as a contested case hearing on October 19, 2021. However, the matter was twice postponed, first to allow additional time to resolve the matter through settlement, and a second time due to the complainant's desire to seek new counsel and the unavailability of the respondents' counsel.

A third contested case hearing was scheduled and convened on August 24, 2022, at which time the complainant appeared, with newly retained counsel, as did the respondents. However, during the hearing, the parties requested that the matter be continued to allow additional time to resolve the matter, or alternatively, to narrow the issues before the Commission. Such request was granted by the hearing officer.

A fourth contested case hearing was scheduled to convene on March 27, 2023. However, by email dated March 24, 2023, the complainant requested that the matter be continued, contending that responsive records had recently been produced and that she had not yet had an opportunity to review the records to ascertain whether she was satisfied with the production of records and that all remaining issues were resolved. In light of such representations, and without objection from the respondents, such request was granted for a period of thirty days.

A fifth contested case hearing was then scheduled to convene on May 1, 2023 at 11 a.m. On Friday, April 28, 2023, at 4:23 p.m., the Commission received an email from the complainant's counsel, requesting that the matter be continued. Inexplicably, such request set forth, verbatim, the language of the March 24, 2023 continuance request. Having failed to show any cause to delay the matter further, such request was denied.

On the morning of Monday, May 1, 2023, the Commission received an email from the complainant's counsel seeking reconsideration of her request for a continuance. In such email, counsel set forth the following reasoning in support of her request:

Undersigned hereby requests reconsideration of the Denial of her Request for Continuance (5.1.23 hearing) based on a conflict wherein she is scheduled for an evidentiary hearing in *Colin v. Colin* at 10am on May 1, 2023 at Hartford Superior Court.

The Commission notes that it issued its Notice of Continued Hearing on April 5, 2023, and at no time prior to the morning of May 1, 2023, did the complainant or her counsel advise the Commission of their inability to appear at the Commission for a contested case hearing on May 1, 2023. Surely, the Superior Court, like the Commission, scheduled the evidentiary hearing cited in counsel's email well in advance of May 1, 2023.

The Commission also notes that, while many complainants have waited for the opportunity to be heard by the Commission, the complainant in this matter had already been afforded four opportunities to prosecute this matter but failed to do so.

In light of the foregoing, the complainant's last-minute request to continue the matter due to a purported conflict could not be countenanced and therefore was denied.

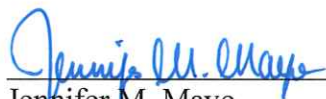
The respondents appeared at the May 1, 2023 hearing, with a witness, and prepared to proceed with presentation of their case. Both the complainant and her counsel failed to appear.

The respondents' counsel represented that, between November 2022 and March 2023, the respondents produced a total of 3,217 documents to the complainant, consisting of over 10,000 pages of responsive records, on a rolling basis.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of May 24, 2023.



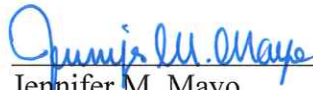
Jennifer M. Mayo
Acting Clerk of the Commission

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:

RENEE COLEMAN-MITCHELL, c/o Attorney T. Jessica Johnson, 102 West Street,
Manchester, CT 06040

**GOVERNOR, STATE OF CONNECTICUT, OFFICE OF THE GOVERNOR; AND
STATE OF CONNECTICUT, OFFICE OF THE GOVERNOR**, c/o Assistant Attorney
General Phillip Miller, Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106



Jennifer M. Mayo
Acting Clerk of the Commission