

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

John Kaminski,

Complainant

against

Docket # FIC 2022-0282

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

Respondents

May 24, 2023

The above-captioned matter was heard as a contested case on November 10, 2022, and May 9, 2023, at which times the complainant and the respondents appeared, and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Anthony Sinchak v. Freedom of Information Commission, Docket No. HHD-CV03-0826293, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

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 letter dated April 15, 2022, the complainant requested from the respondents a copy of the Department of Correction's "written guideline" concerning the "confiscation of stimulus rebate monies" issued by the Internal Revenue Service ("IRS") ("April 15th request").
3. It is found that, by letter dated June 6, 2022, the complainant followed-up on his April 15th request, and also requested a copy of a "check" with a "Recovery Act stimulus payment" issued to him by the IRS ("June 6th request").
4. By letter of complaint received and filed June 29, 2022, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information Act by denying his June 6th request, described in paragraph 3, above.

5. Section 1-200(5), G.S., provides that:

‘[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, videotaped, printed, photostated, photographed or recorded by any other method.

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.

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 3, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. It is found that, by letter dated September 19, 2022, the respondents informed the complainant that they do not have any responsive records.

10. At the hearing, the complainant testified that the IRS sent him three stimulus checks and that such checks were illegally confiscated and sent by the respondents to Child Support Enforcement Services.

11. The respondents testified, and it is found, that they do not maintain any written guidelines concerning the handling of stimulus payments. The respondents also testified, and it is found, that any check received by an inmate from the IRS would be processed by the respondents’ Inmate Accounts Unit and posted to the inmate’s trust account. In addition, the respondents testified, and it is found, that the respondents did not receive from the IRS any stimulus checks for the complainant, and that there have not been any transactions on the complainant’s inmate trust account since July 2013.


12. It is found that the respondents do not maintain any records responsive to the complainant’s June 6th request.

13. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S.

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 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:

JOHN KAMINSKI, #241124, MacDougall Walker CI, 1153 East Street South, Suffield, CT 06080

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



Jennifer M. Mayo
Acting Clerk of the Commission