

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

John Kaminski,

Complainant

against

Docket #FIC 2023-0208

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

Respondents

April 10, 2024

The above-captioned matter was heard as a contested case on February 1, 2024, at which time the complainant and the respondents appeared, stipulated to certain facts 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 Docket No. CV 03-0826293, Anthony Sinchak v. FOIC, 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 4, 2023, the complainant requested the following records:

[(a)] [copies of] all legally releasable documents in [Assistant Attorney General (“AAG”)] Dennis Carnelli’s file, specifically those related to his termination (resignation?);

[(b)] [a] copy of all information pertaining to AAG Carnelli’s dismissal, suspension, demotion, reprimand, effective dates, reasons;

[(c)] all information addressed in 5-240-2a, 3a, 4a (g-h), 6 (a-b-c-d); and

[(d)] a copy of Carnelli's letter (or notice) of resignation to include the date of the letter/notice and the effective date of his departure from State employment.

3. It is found that, by letter dated June 5, 2023, the respondents acknowledged the complainant's request, described in paragraph 2, above, and responded to each request. It is found that, with regard to the requests described in paragraphs 2(a) and 2(d), above, the respondents informed the complainant that, on or around March 13, 2023, they had previously disclosed to him all non-exempt responsive records. It is found that, with regard to the requests described in paragraphs 2(b) and 2(c), above, the respondents informed the complainant that they had no responsive records.

4. By letter of complaint, dated April 26, 2023 and filed April 28, 2023, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the records, described in paragraph 2, above.

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

"[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 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:

[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: "[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 concluded that the requested records, to the extent they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. It is found that, on or around March 13, 2023, in response to a request by the complainant for former Assistant Attorney General Dennis Carnelli's personnel file, the respondents disclosed to the complainant 117 pages of responsive records, subject to certain

redactions. It is also found that the respondents withheld certain records from disclosure, claiming that they were not legitimate matters of public interest, the release of which would constitute an invasion of Mr. Carnelli's personal privacy, within the meaning of §1-210(b)(2), G.S.

10. At the hearing on this matter, the complainant argued that, due to certain facts and allegations preceding Mr. Carnelli's departure from the Office of the Attorney General, records responsive to his request, described in paragraph 2, above, must exist and be maintained by the respondents in Mr. Carnelli's personnel file.

11. The respondents testified, and it is found, that they searched Mr. Carnelli's personnel file and disclosed to the complainant all records responsive to his request described in paragraph 2, above, in the previous March 13, 2023 disclosure, as described in paragraph 9, above. The respondents also testified, and it is found, that they searched the only locations where such records would be maintained, including both Mr. Carnelli's personnel file and the Office of the Attorney General's disciplinary files, and no responsive records would be located elsewhere.

12. The respondents also testified, and it is found, that there are no additional records responsive to the complainant's request, described in paragraph 2, above, because Mr. Carnelli was not terminated, dismissed, suspended, demoted, or reprimanded by the respondents and because Mr. Carnelli orally resigned from his position with the respondent Office of the Attorney General.

13. It is therefore found that the respondents conducted a thorough search for the requested records, described in paragraph 2, above.

14. On February 1, 2024, by order of the hearing officer, the respondents submitted to the Commission an unredacted copy of all records in Mr. Carnelli's personnel file that had previously been withheld from disclosure for an in camera inspection, along with an in camera index. Such records shall be identified hereinafter as IC-2023-0208-1 through IC-2023-0208-47.

15. On the in camera index, the respondents contended that the in camera records are exempt from disclosure under §§1-210(b)(2), 1-214, and 5-225, G.S.

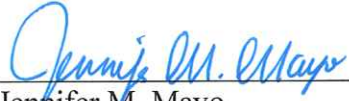
16. Based upon a careful in camera inspection of the records identified in paragraph 14, above, it is found that IC-2023-0208-1 through IC-2023-0208-47 are not responsive to the complainant's request, described in paragraph 2, above, and therefore, the Commission need not address the respondents' claims of exemption with respect thereto.

17. It is therefore concluded, based on the facts and circumstances of this case, that the respondents did not violate the FOI Act, as alleged by the complainant.

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 April 10, 2024



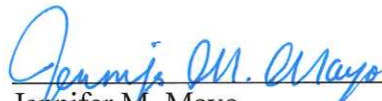
Jennifer M. Mayo
Acting Clerk of the Commission

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 Correctional Institution, 1153 East Street South, Suffield, CT 06080

ATTORNEY GENERAL, STATE OF CONNECTICUT, OFFICE OF THE ATTORNEY GENERAL; AND STATE OF CONNECTICUT, OFFICE OF THE ATTORNEY GENERAL, c/o Attorney John Langmaid, Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06033



Jennifer M. Mayo
Acting Clerk of the Commission