

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Peter Currin,

Complainant

against

Docket # FIC 2023-0336

Chief Clerk, State of Connecticut, Judicial
Branch, New Britain Superior Court; and
Judicial Branch, New Britain Superior
Court,

Respondents

June 12, 2024

The above-captioned matter was heard as a contested case on March 19, 2024 and April 2, 2024, at which times the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies only with respect to their administrative functions, within the meaning of §1-200(1), G.S.
2. It is found that, by letter dated June 21, 2023, and sent via certified mail, the complainant requested that the respondents provide him with copies of the following records:
 - (a) Peter Currins file/FAXED 18-page motion to dismiss dated 3/20/2023 at 2:44 P.M.-3:42 P.M., confirmation page Serial No. SW51B1S26423 via Prosser Public Library
 - (b) Peter Currins file/FAXED 18-page motion to dismiss dated 3/20/2023 at 3:27 P.M.-4:14 P.M., confirmation page Serial No. SW51B1S26423 via Prosser Public Library
 - (c) Peter Currins file/FAXED 18-page motion to dismiss dated 4/13/2023 at 4:00 P.M.-5:55 P.M., confirmation page Serial No. MJ0C5A3R via Prosser Public Library
 - (d) Peter Currins file/FAXED 4-page Application for Issuance of Subpoena JD-CL-136 Rev. 1-17, dated 4/19/2023 at 3:40 P.M.-3:48 P.M., confirmation page Serial No. MJ0C5A3R via Prosser Public Library

- (e) Peter Currins notarized/sworn filed/ FAXED 19-page motion to dismiss dated 6/20/2023 at 1:58 P.M. [*sic*] Job No 4030 via New Britain Superior Court self-help center
- (f) Peter Currins notarized/sworn filed/FAXED 9-page memorandum of law in support of motion to dismiss dated 6/17/2023, filed/faxed on 6/20/2023 at 2:43 P.M. Job No. 4032 via New Britain Superior Court self-help center
- (g) Public official surety bond as referenced in Connecticut Senate Bill 815, Public Act No. 19-83
- (h) Errors & Omissions (E&O), a Surety Liability Insurance policy, and the Duty of Care policy
- (i) General Obligation Bonds
- (j) General Long Term Bond
- (k) Crime Policy
- (l) Risk Management Policy
- (m) Accord 125, Accord 126
- (n) Certificate of Liability
- (o) Public Officials and/or any other bonds pertaining to proof of liability and policies
- (p) Faithful Performance Bond
- (q) Fidelity Bond
- (r) Public Employee Dishonesty Policy
- (s) Public Employee Blanket Bond
- (t) Statutory Bond
- (u) Official Bond
- (v) Power of Attorney for the Surety Bond Company and the Blanket Bond Poer of Attorney for the Surety Bond Company

(w) Oath of Office for Chief Clerk Cynthia Skorzewski and Judge
Linda Allard

3. It is also found that, in the June 21, 2023 request letter, described in paragraph 2, above, the complainant requested that responsive records be provided to him at “P.O. Box 993 Bloomfield, Connecticut near [06002].”
4. It is found that the respondents received the complainant’s request on June 22, 2023.
5. By letter of complaint filed June 28, 2023, 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.
6. 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 section 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.
7. 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.
8. 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.”
9. It is concluded that, to the extent the respondents maintain responsive records related to their administrative functions, such records are public records, within the meaning of §§1-200(5) and 1-210(a), G.S.
10. It is found that, by letter dated June 28, 2023, the respondents acknowledged the complainant’s request. It is also found that in such letter, the respondents issued the following responses:
 - (a) With respect to the requests described in paragraphs 2(a) through 2(f), above, “case specific documents are not

subject to the FOI Act. See *Clerk of the Superior Court v. FOI Commission*, 278 Conn. 28, 58, 895 A.2d 743 (2006). Please contact the New Britain Clerk's Office regarding any public documents that may otherwise be available."

- (b) With respect to the requests described in paragraphs 2(g) through 2(v), above, "there are no responsive documents...."
- (c) With respect to the request described in paragraph 2(w), above, the respondents indicated that they do not maintain any record responsive to the request for an Oath of Office for Chief Clerk Skorzewski, but that they do maintain an Oath of Office for Judge Allard.¹

11. It is found that the respondents sent the June 28, 2023 letter, described in paragraph 10, above, via U.S. mail to the address requested by the complainant. It is found, however, that such mail was returned to the respondents with the following information from the U.S. Postal Service:

RETURN TO SENDER
REFUSED
UNABLE TO FORWARD

12. It is found that, on or about July 7, 2023, the respondents attempted to send a letter via U.S. mail to the complainant with a copy of Judge Allard's oath of office in response to the request described in paragraph 2(w), above.

13. It is found that the mail described in paragraph 12, above, was also returned to the respondents from the post office as "RETURN TO SENDER," "REFUSED" and "UNABLE TO FORWARD."

14. At the hearing, the complainant contended that the requests described in paragraphs 2(a) through 2(f), above, constitute requests for records that the complainant faxed and filed with the court in certain legal matters before the court. The respondents contended that such records do not relate to an "administrative function" of the Judicial Branch, within the meaning of §1-200(1), G.S., and that therefore such records are not public records, within the meaning of §1-200(5), G.S.

15. In Rules Committee of the Superior Court v. FOIC, 192 Conn. 234, 243 (1984), the Supreme Court construed the term "administrative functions" in §1-200(1), G.S., to refer only to "matters relating to the internal management of the internal institutional machinery of the court system."

¹ At the hearing, the respondents' witness testified that, although the June 28, 2023 letter indicates that a copy of Judge Allard's oath of office was enclosed, such copy was not enclosed. The witness had not yet obtained a copy of Judge Allard's oath of office.

16. In Clerk, the Supreme Court explained that the legislature intended for the scope of the FOI Act, as applied to the courts, “to be much more limited than its scope as applied to state agencies.” Clerk v. FOI Commission, 278 Conn. 28, 39 (2006). The Court explained, “the legislature intend[ed] for the act to be limited to records prepared by a subdivision of the judicial branch *only in the course of carrying out an administrative function*” and that “it also intended for the phrase ‘administrative functions’ to be construed narrowly.” *Id.* The Court then set forth the types of records that relate to the administrative functions of the courts.

17. Specifically, the Court in Clerk concluded:

[A]dministrative records are records pertaining to budget, personnel, facilities and physical operations of the courts and that *records created in the course of carrying out the courts’ adjudicatory function are categorically exempt from the provisions of the [Freedom of Information Act].*

Id., 42. (Emphasis added.) The Court further concluded that “records unrelated to [budget, personnel, facilities and physical operations of the courts] are exempt” from disclosure. *Id.*, 53.

18. Based on the foregoing, it is concluded that the requested records described in paragraphs 2(a) through 2(f), above, do not pertain to an administrative function of the respondents, within the meaning of §1-200(1), G.S., and therefore such records are not public records, within the meaning of §1-200(5), G.S.

19. Accordingly, it is concluded that, pursuant to §1-206(b)(1), G.S., the Commission lacks subject matter jurisdiction to address the complainant’s allegation that the respondents violated the FOI Act by failing to provide him with copies of the records described in paragraphs 2(a) through 2(f), above.

20. With respect to the requests described in paragraphs 2(g) through 2(v), above, as well as the request for a copy of the Oath of Office for Chief Clerk Skorzewski, described in paragraph 2(w), above, at the hearing, the respondents’ witnesses credibly testified, and it is found, that the respondents conducted a reasonable and diligent search and did not locate any records responsive to the complainant’s requests. It is therefore concluded that the respondents do not maintain records responsive to such requests.

21. Accordingly, it is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the requests for copies of the records described in paragraphs 2(g) through 2(v), above, and with respect to the request for a copy of the Oath of Office for Chief Clerk Skorzewski, described in paragraph 2(w), above.

22. Finally, with respect to the request described in paragraph 2(w), above, for a copy of the Oath of Office of Judge Allard, as already found in paragraphs 12 through 13, above, the respondents attempted to mail to the complainant a copy of one responsive record, but such mail was returned. It is also found that the complainant’s request, described in paragraph 2, above, does not include any other contact information, such as a phone number or e-mail address.

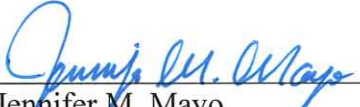
Nevertheless, it is found that, at the March 19, 2024, hearing, the respondents provided the complainant with a copy of the Oath of Office of Judge Allard, free of charge.

23. Based on the foregoing, it is concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the request for a copy of the Oath of Office of Judge Allard, as described in paragraph 2(w), above.

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 June 12, 2024.



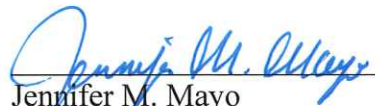
Jennifer M. Mayo
Acting Clerk of the Commission

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:

PETER CURRIN, P.O. Box 993, Bloomfield, CT 06002

CHIEF CLERK, STATE OF CONNECTICUT, JUDICIAL BRANCH, NEW BRITAIN SUPERIOR COURT; AND JUDICIAL BRANCH, NEW BRITAIN SUPERIOR COURT,
c/o Attorney James O'Connor, Judicial Branch Legal Services, P.O. Box 150474, Hartford, CT 06115



Jennifer M. Mayo
Acting Clerk of the Commission