

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION UPON
REMAND

Jean Farricielli,

Complainant

against

Docket # FIC 2023-0259

Commissioner, State of Connecticut,
Department of Energy and Environmental
Protection; and State of Connecticut,
Department of Energy and Environmental
Protection,

Respondents

April 23, 2025

The above-captioned matter was heard as a contested case on October 31, 2023 and January 3, 2024, at which times the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits, and argument on the complaint.

A Report of Hearing Officer, dated April 9, 2024, was considered by the Commission at its regular meeting of April 24, 2024, and adopted as a Final Decision, ordering disclosure of certain requested records. On June 14, 2024, the respondents appealed from the Commission's Final Decision to the Superior Court. See, State of Connecticut Department of Energy and Environmental Protection, et al. v. Freedom of Information Commission, et al., HHB-CV-24-6087248-S.

By letter dated March 5, 2025, the complainant notified the Commission that she was withdrawing her underlying complaint in this matter. The complainant further notified the Commission that the parties had reached an agreement at a status conference in a related case on February 7, 2025. See, Rocque, Commissioner of Environmental Protection, et al. v. Farricielli, et al., HHD-CV99-0591020-S.

Thereafter, on March 12, 2025, the Commissioners unanimously voted to authorize staff to join a Motion for Remand in State of Connecticut Department of Energy and Environmental Protection, et al. v. Freedom of Information Commission, et al., HHB-CV-24-6087248-S.

On behalf of all of the parties to the administrative appeal, on March 20, 2025, the plaintiffs filed with the Court a Joint Motion for Remand, consistent with the complainant's withdrawal of the underlying complaint. By Order dated March 20, 2025, the Superior Court remanded the case in accordance with the joint motion.

Therefore, in light of the complainant's March 5, 2025 withdrawal and the Court's remand, the Commission finds that there is no longer a contested case, and the matter is now moot. See Department of Safety v. Freedom of Information Commission, et al., 103 Conn. App. 571 (2007) (where the complainant notified the Commission that the requested records had been disclosed and requested that it take no further action on her complaint, the Court concluded that the matter became moot, as a controversy no longer existed). In the absence of a contested case, the Commission lacks jurisdiction in this matter.

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

1. Based on the complainant's March 5, 2025 withdrawal, the Commission's April 24, 2024 Final Decision is rescinded, and the complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of April 23, 2025.

/s/ Jennifer M. Mayo

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:

JEAN FARRICIELLI, c/o Attorney Thomas J. Lengyel, 167 Cherry Street, Suite 211, Milford, CT 06460

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, c/o Assistant Attorney General Aza G. Mosley and Assistant Attorney General William E. Dornbos, Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106

/s/ Jennifer M. Mayo
Jennifer M. Mayo
Acting Clerk of the Commission