

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Richard Quint,

Complainant

against

Docket # FIC 2024-0236

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

Respondents

April 23, 2025

The above-captioned matter was heard as a contested case on August 29, 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 Anthony Sinchak v. Freedom of Information Commission*, Docket No. CV 03-0826293, 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 Inmate Request Form dated March 1, 2024, the complainant requested that the respondents provide him with “a complete copy of the dietary menus with all the caloric breakdowns of the meals, as written by Dietician Robert Deveau, as to what is supposed to be served” (“March 1, 2024 Request”).
3. It is found that, by letter dated March 5, 2024, the respondents acknowledged receipt of the complainant’s March 1, 2024 Request.
4. It is found that, by Application for Freedom of Information (“FOI”) Act Form dated April 19, 2024, the complainant requested that the respondents provide him with copies of “[t]he complete dietary menus for [the Connecticut Department of Correction (“DOC”)] with all caloric breakdowns, all dietary, religious meals served within the [DOC]” (“April 19, 2024 Request”).¹

¹ The respondents testified at the hearing on this matter, and it is found, that they did not acknowledge the April 19, 2024 Request because they believed it was the same request as the March 1, 2024 Request.

5. It is found that, on April 30, 2024, the specific DOC FOI Liaison assigned to the McDougal Correctional Institute, the complainant's facility, (the "FOI Liaison") attempted to deliver records that the respondents deemed responsive to the complainant's March 1, 2024 Request, but when the complainant refused to sign an acknowledgement form for the receipt of such records, the FOI Liaison withheld the records.

6. It is found that, later on April 30, 2024, the complainant submitted to the FOI Liaison an Inmate Request Form asking "[c]ould you please bring me back the documents you would not give me unless I sign for them. I will sign for them."

7. It is found that, on May 6, 2024, the respondents delivered seventeen pages of records to the complainant after he signed an acknowledgement form.

8. By letter of complaint, dated May 10, 2024 and received May 15, 2024, the complainant appealed to the Commission, alleging that the respondents violated the FOI Act by failing to provide him with copies of the records, described in the March 1, 2024 and April 19, 2024 Requests and by requiring him to sign an acknowledgement form prior to him reviewing and receiving responsive records.

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

"Public 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.

10. Section 1-210(a), G.S., provides in relevant part that:

Except 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 the provisions of section 1-212.

11. 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."

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

13. At the hearing on this matter, the complainant contended that the respondents failed to provide him with records responsive to his March 1, 2024 and April 19, 2024 Requests, and that the records the respondents had provided to him were not responsive to his requests. The complainant claimed that he was seeking copies of all the menus with the caloric breakdowns for each meal and that he was not provided such caloric breakdowns. The complainant additionally argued that the FOI Act does not require a signature to receive records and that the respondents' provision of records in this case violated the promptness requirements of the FOI Act.

14. It is found that the DOC FOI Administrator (the "FOI Administrator") oversees the coordination of the DOC's compliance with the FOI Act. At the hearing on this matter, the FOI Administrator testified on behalf of the respondents.

March 1, 2024 Request

15. With respect to the March 1, 2024 Request, it is found, based upon the credible testimony of the FOI Administrator, that the respondents conducted a reasonable and diligent search for responsive records and located seventeen pages of records, which they provided to the complainant, as described in paragraph 7, above. It is found that the seventeen pages were, at least partially, responsive to such request as they related to the food services menus. Also based upon the credible testimony of the FOI Administrator, it is found that the respondents do not maintain any other records responsive to the March 1, 2024 Request and do not maintain menus, written by Dietician Robert Deveau, with caloric breakdowns of meals.

16. It is found that the respondents conducted a reasonably thorough and diligent search for records responsive to the March 1, 2024 Request and provided all records they maintained to the complainant.

17. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the March 1, 2024 Request.

April 19, 2024 Request

18. With respect to the April 19, 2024 Request, the FOI Administrator testified that the respondents did not comply with such request, because the FOI Administrator and the FOI Liaison interpreted the request as merely a follow up to, and seeking the same records as, the March 1, 2024 Request, even though the April 19, 2024 Request, unlike the March 1, 2024 Request, was not limited to menus written by Mr. Deveau.²

19. It is found that the respondents did not search for DOC dietary menus "with all caloric breakdowns, all dietary, religious meals served within the [DOC]" other than those written by Mr. Deveau.

² It is found that, at some point in time, another individual replaced Mr. Deveau as the DOC dietitian.

20. It is found that the respondents' narrow interpretation of the April 19, 2024 Request was not reasonable, particularly based upon the plain language of the request, which did not merely seek the same records as those described in the March 1, 2024 Request.

21. At the hearing in this matter, the FOI Administrator testified, and it is found, that the DOC uses a software program known as Foodworks (version 12) which computes the nutritional analysis of DOC meals selected for the menus and calculates the calories for the dietician. The FOI Administrator testified, and it is found, that she did not know whether such software program could provide menus of the daily meals with the caloric breakdowns. It is further found that the respondents did not search for menus, other than those written by Mr. Deveau as described in the March 1, 2024 Request.

22. It is found that the respondents did not conduct a reasonably thorough and diligent search for records responsive to the April 19, 2024 Request.

23. It is concluded, therefore, that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., with respect to the April 19, 2024 Request.

Promptness

24. With regard to promptness, the Commission has held that the meaning of the word "promptly" is a particularly fact-based question. In Advisory Opinion #51, *In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant* (January 11, 1982), the Commission advised that the word "promptly," as used in §1-210(a), G.S., means "quickly and without undue delay, taking into account all factors presented by a particular request."

25. The advisory opinion goes on to describe some of the factors that should be considered in weighing a request for records against other priorities: the volume of records requested; the time and personnel required to comply with a request; the time by which the person requesting records needs them; the time constraints under which the agency must complete its other work; the importance of the records to the requestor, if ascertainable; and the importance to the public of completing other agency business without the loss of personnel time involved in complying with the request. In addition, common sense and goodwill ought to be the guiding principles.

26. It is found that the respondents received the March 1, 2024 Request on March 5, 2024.

27. It is found that the March 1, 2024 Request was initially delivered to the FOI Liaison for processing and, on March 5, 2024, the FOI Liaison forwarded the request to the staff member at the DOC Food Services Department who processes records requests for that department ("Food Services Staff Member").

28. It is found that, based upon the FOI Administrator's testimony, the Food Services Staff Member is typically very responsive; however, in this case, the Food Services Staff Member did not respond to the FOI Liaison in response to the March 1, 2024 Request.

29. It is found that the FOI Liaison was out of the office from April 12, 2024 through April 25, 2024.

30. It is found that the FOI Liaison did not follow up with the Food Services Department prior to going out on leave on April 12, 2024, which was thirty-eight days after the respondents' receipt of the complainant's March 1, 2024 Request.

31. It is found that, after not having received a response to the March 1, 2024 Request, the complainant submitted the second request on April 19, 2024, seeking similar but not the same records, (as such request was not limited to menus written by Mr. Deveau), as referenced in paragraph 4, above.

32. It is found that, although two DOC Litigation Liaisons ("Litigation Liaisons") are assigned as backups to the FOI Liaison, no one from the DOC followed up with the Food Services Department and no one processed the April 19, 2024 Request during the time the FOI Liaison was on leave between April 12, 2024 and April 25, 2024.³

33. It is found that, unbeknownst to the FOI Liaison, the Food Services Staff Member was out of the office indefinitely.

34. It is found that, upon her return to work on April 26, 2024, the FOI Liaison received the April 19, 2024 Request and contacted the FOI Administrator for assistance.

35. It is found that the FOI Administrator subsequently sent a copy of both the March 1, 2024 Request and the April 19, 2024 Request to the DOC Director of the Food Services Department, who emailed responsive records to the FOI Administrator on April 30, 2024.

36. It is found that the respondents first attempted to provide responsive records to the complainant on April 30, 2024, almost two months after his March 1, 2024 request.

37. It is found that an additional reason for the delay, in this matter, was the respondents' requirement that the complainant sign for the records before receiving them, a requirement to which he initially objected. It is also found that *requiring*, as opposed to merely requesting, that the complainant sign a form before receiving requested records constitutes an improper precondition on the right of access granted by §1-210(a), G.S., and unduly further delayed access to the records.⁴

³ The Commission notes that the respondents testified that the Litigation Liaisons have other duties and priorities but failed to provide specific testimony as to the facts and circumstances applicable to this matter, including whether the staff members who were to serve as backup were even informed of the complainant's records requests and what priorities they were experiencing during the relevant time period.

⁴ At the hearing on this matter, the FOI Administrator testified, and it is found, that she ultimately informed the FOI Liaison that, if an inmate refuses to sign the acknowledgement form, the FOI Liaison may either discuss it with the FOI Administrator or note on the acknowledgement form that he refused to sign and enter into the respective log book that the records were delivered.

38. Under the facts and circumstances of this case, even taking the respondents' reasons for delay into consideration, it is found that the respondents failed to provide the records to the complainant promptly.

39. Accordingly, it is concluded that the respondents violated the promptness provisions of §§1-210(a) and 1-212(a), G.S.

Civil Penalties

40. In an attachment to his complaint, the complainant indicated that he requested civil penalties.

41. It is found that although the respondents: (i) failed to conduct a reasonably thorough search for records responsive to the April 19, 2024 Request, and (ii) did not act promptly in disclosing records to the complainant, there is no evidence that the respondents acted in bad faith, deliberately delayed the disclosure of records, or otherwise engaged in a pattern of conduct resulting in repeated violations of the public's rights under the FOI Act.


42. Accordingly, based on the facts and circumstances of this case, the Commission declines to consider the imposition of a civil penalty on the respondents.

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

1. Forthwith, the respondents shall undertake a search for records responsive to the complainant's April 19, 2024 Request, including any responsive records that might be housed on the Foodworks program, and provide the complainant with a copy of such records, if located. Within thirty days of the Notice of the Final Decision, the respondents shall also provide an affidavit to the complainant and the Commission, prepared by a person with knowledge of the efforts taken, and detailing the scope and results of their search.

2. Henceforth, the respondents shall strictly comply with the disclosure and promptness provisions of §§1-210(a) and 1-212(a), G.S.

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



Molly Steffes
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:

RICHARD QUINT, #123433, MacDougall-Walker Correctional Institution, 1153 East Street, South, Suffield, CT 06080

ANGEL QUIROS, COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF CORRECTION, c/o Attorney Jennifer Lepore, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Molly Steffes
Acting Clerk of the Commission