

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Cordaryl Silva,

Complainant

against

Docket # FIC 2024-0424

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

Respondents

July 9, 2025

The above-captioned matter was heard as a contested case on February 14, 2025, at which time the complainant and 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. CV 03-0826293, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

On May 9, 2025, in response to an order of the undersigned hearing officer permitting after-filed exhibits, the complainant submitted an affidavit, which has been marked as Complainant's After-Filed Exhibit B (for Identification Only): Affidavit of Cordaryl Silva and Attached Letters (eight pages).¹

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. This matter arises in the aftermath of a prior final decision in Docket #FIC 2023-0596, Cordaryl Silva v. Wayne Williams, Chief, Police Department, City of Ansonia; et al. (June 12, 2024) ("Docket #FIC 2023-0596"). The Commission takes administrative notice of the final decision in Docket #FIC 2023-0596, and specifically:
 - (a) Docket #FIC 2023-0596 involved the complainant's request to the Ansonia Police Department for copies of the audio records of prison phone calls made by Keyshune Zimmerman obtained

¹ The undersigned hearing officer's February 20, 2025 order permitted the parties to submit after-filed exhibits no later than March 14, 2025. Because the complainant filed Exhibit B 56 days later than the deadline established in the February 20, 2025 order, and the exhibit did not contain evidence relevant to the timely filing of the complaint, the hearing officer declined to admit it as a full exhibit.

by the Ansonia Police Department for the 2012 drug investigation of the Zimmerman crew, as well as recordings made of the complainant for his work as a CI relating to such investigation.

(b) The complainant's withdrawal of his appeal in Docket #FIC 2023-0596 in light of the respondents' testimony that they sent copies of all responsive records to the DOC in accordance with §1-210(c), G.S.²

(c) The Commission's dismissal of the complainant's appeal in Docket #FIC 2023-0596.

3. It is found that on May 15, 2024, the complainant sent an "Inmate Request Form" to his correctional institution's FOI office, requesting that they provide him with the audio recordings sent to the respondents by the Ansonia Police Department in response to his request at issue in Docket #FIC 2023-0596.

4. It is found that on May 17, 2024, the respondents received the complainant's request described in paragraph 3, above.

5. It is found that on May 20, 2024, the respondents denied the complainant's request described in paragraph 3, above, in writing on the Inmate Request Form. In such denial, the correctional institution's FOI office liaison wrote that inmate recorded phone calls are exempt from disclosure to both inmates and non-incarcerated members of the public, per Conn. Agencies Reg. §18-81-45.

6. By letter of complaint, received and filed on July 25, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide records responsive to the request described in paragraph 3, above. The complainant also requested the imposition of a civil penalty against the respondents.

7. Section 1-206(b)(1), G.S., provides the following in relevant part:

[a]ny person denied the right to inspect or copy records under section 1-210 ... may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed not later than thirty days after such denial....

² Section 1-210(c), G.S., provides: "Whenever a public agency receives a request from any person confined in a correctional institution ... for the disclosure of any public record under the Freedom of Information Act, the public agency shall promptly notify the Commissioner of Correction ... before complying with the request as required by the Freedom of Information Act. If the commissioner believes the requested record is exempt from disclosure pursuant to [§1-210(b)(18), G.S.], the commissioner may withhold such record from such person when the record is delivered to the person's correctional institution...."

8. The complainant testified that he did not receive the respondents' May 20, 2025 denial, described in paragraph 5, above, and could not recall an exact date when the respondents denied his May 15, 2024 request.

9. It is found that the complainant could not produce any evidence that his last communication with the respondents occurred on a date later than May 20, 2025.

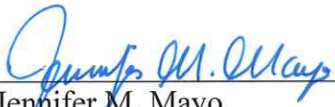
10. It is found that the complaint was not filed within 30 days of the May 20, 2024 denial, as required by §1-206(b)(1), G.S., but rather was filed 66 days after such denial.

11. Accordingly, it is concluded that, absent any evidence to the contrary, the complainant's appeal is not timely and, therefore, the Commission lacks jurisdiction to adjudicate the violations alleged therein.

The following order 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 July 9, 2025.



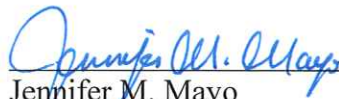
Jennifer M. Mayo
Acting Clerk of the Commission

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:

CORDARYL SILVA, #332230, Cheshire Correctional Institution, 900 Highland Avenue,
Cheshire, CT 06410

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



Jennifer M. Mayo
Acting Clerk of the Commission