

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Robert Kriwitsky,

Complainant

against

Docket #FIC 2024-0333

Commissioner, State of Connecticut,
Department of Motor Vehicles; and State
of Connecticut, Department of Motor
Vehicles,

Respondents

May 28, 2025

The above-captioned matter was heard as a contested case on December 6, 2024, April 11, 2025, and April 24, 2025, at which times the complainant and respondents appeared 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 within the meaning of §1-200(1), G.S.
2. It is found that on May 3, 2024, the complainant submitted a records request to the respondents seeking the following:

[A]ny and all documents the [Department of Motor Vehicles ("DMV")] has in [their] possession related to. . . a 2017 Mini Cooper Type S VIN# WMZY5C8H3E18929 CT Reg. AL20469 [which was previously owned by the complainant's daughter].

[Specifically,]. . . communications from State Farm Insurance Company and the Connecticut DMV related to insurance being dropped on said vehicle.¹

¹ Although the Commission does not consider the motivation or reason behind a records request, additional background information is necessary to contextualize the complaint and the Commission's determinations in this matter. The complainant's daughter sold the vehicle described in paragraph 2, above, to a dealership on March 9, 2023. On June 5, 2023, the complainant's daughter was assessed a \$200 fine by the DMV for purportedly failing to

3. It is found that on May 22, 2024, the respondents' Legal Services Division acknowledged the complainant's May 3 request, and informed him that the records he sought were not subject to disclosure under the Freedom of Information ("FOI") Act.² Furthermore, the respondents provided the complainant with a link to a J-23 form (i.e., the required form to request DMV records pertaining to other individuals.)³

4. It is found that also on May 22, 2024, in an effort to resolve the insurance issue, the complainant sent the respondents the sales and registration documentation for the vehicle described in paragraph 2, above. Later that day, the respondents responded to the complainant indicating:

After review of the forms [i.e., the sales and registration documents], we have confirmed it was a dealer error and there was no lapse in insurance. I will send out a refund form for your daughter to fill out and return to our office. Once we receive the form a refund will be processed.

The complainant replied asking the respondents to identify said error.

5. It is found that on June 5, 2024, the complainant sent a follow-up email to the respondents which, in large part, reiterated his May 3, 2024 request; however, the complainant also clarified that he was "specifically requesting that the DMV identify the error that was made imposing a compliance violation/fine to be assessed on Amy Kriwitsky[.]"⁴

maintain insurance on that vehicle. At some point thereafter, but before the complainant submitted his May 3, 2024, records request, the fine was paid. However, through correspondence between the parties occurring *after* the complainant submitted his request, the DMV issued a refund for the \$200 fine after a determination that it was assessed in error. Such information has no bearing on the Commission's determination as to whether the respondents violated the FOI Act but is pertinent to the complainant narrowing his request as discussed in paragraph 12, below.

² The respondents later cited §14-10(c), G.S., as the basis for their denial. Section 14-10(c), G.S., provides in relevant part:

Before disclosing personal information pertaining to an applicant or registrant from such motor vehicle records or allowing the inspection of any such record containing such personal information in the course of any transaction conducted at such main office, the commissioner shall ascertain whether such disclosure is authorized under subsection (f) of this section, and require the person or entity making the request to (A) complete an application that shall be on a form prescribed by the commissioner, and (B) provide personal identification satisfactory to the commissioner.

³Counsel for the respondents represented that the respondents had not conducted a search for records prior to issuing their denial based on §14-10, G.S.

⁴To the extent the complainant sought the respondents to answer questions concerning the fine assessed for the purported insurance violation, the Commission notes that the Commission has long concluded, and the court has affirmed, that a public agency has no duty to answer questions, only to provide access to, and copies of, public records under the FOI Act. See Kimberly Albright-Lazzari et al. v. Colleen Murphy, Connecticut Freedom of Information Commission et al., CV105014984S, 2011 WL 1886878, at *3 (Conn. Super. Ct. April 21, 2011).

6. It is found that shortly after receiving the complainant's June 5 follow-up email, the respondents began their search for records pertaining to the insurance issue for the vehicle described in paragraph 2, above.⁵

7. By letter of complaint received and filed on June 10, 2024, the complainant appealed to this Commission alleging that the respondents violated the FOI Act by failing to provide him with records that explained the cause of the errant assessment of the non-compliance fine.

8. 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.

9. 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.

10. 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.”

11. It is concluded that the records described in paragraph 2, above, 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.

12. Although the complainant's original May 3, 2024 request broadly sought “any and all documents” relating to the vehicle described in paragraph 2, above, at the April 24 continued hearing, the complainant stated numerous times that he was no longer seeking any records pertaining to the insurance non-compliance (i.e., the correspondence between the insurance company and the respondent DMV). The complainant narrowed his request to only those records pertaining to the respondents' determination that a dealership error was the cause of the errant

⁵ It is found that in response to the complainant's June 5 follow up email, the respondents disclosed several records to the complainant, including partially redacted spreadsheets showing various insurance information related to the complainant's daughter. However, the complainant testified that such records were not responsive to his request.

assessment of the non-compliance fine. Accordingly, the Commission so limits its review of the complaint.

13. As noted in paragraph 4, above, the respondents reached their conclusion that a dealership error led to the errant non-compliance fine *after* the complainant sent the sale and registration documents to the respondents on May 22, 2024.

14. The respondents testified, and it is found, that they reviewed the dealership's retail purchase agreement dated March 9, 2023, which indicated that the vehicle described in paragraph 2, above, was sold to the dealership and no longer owned by the complainant's daughter.

15. It is found that the respondents then reviewed their registration system, wherein they discovered that the vehicle was still registered to the complainant's daughter despite being sold over one year ago.

16. It is found that after reviewing the information in their registration system, the respondents determined there was a dealership error, thus leading to the errant non-compliance fine assessed to the complainant's daughter.

17. When questioned by the undersigned Hearing Officer, the complainant testified that the information contained in the respondents' registration system would not be responsive to his request as it did not answer his question as to how the respondents determined a dealership error led to the errant non-compliance fine.

18. It is found that throughout the process described in paragraphs 14 through 16, above, the respondents engaged in a limited email exchange amongst staff, and separately with the complainant. It is found, however, that such emails did not explain how a dealership error led to the assessment of the non-compliance fine, nor did such emails identify the actual error. Accordingly, such records are not responsive to the request as narrowed by the complainant during the April 24 continued hearing.⁶

19. The respondents further testified, and it is found, that they did not maintain any other records that pertained to their determination that the errant non-compliance fee was due to a dealership error.

20. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., as they did not maintain any records responsive to the request as narrowed by the complainant during the April 24 continued hearing.

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

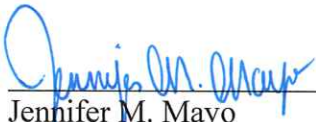
⁶ While, the emails identified in paragraph 18, above, *may* be responsive to a broader interpretation of the complainant's request (especially as articulated in his June 5, 2024 follow up email), the complainant made abundantly clear during the April 24 continued hearing that he was only seeking records that identified the error made by the dealership.

1. The complaint is dismissed.

2. The Commission notes that upon receiving the complainant's May 3 request, the respondents issued a blanket denial based on §14-10, G.S., without first conducting a search for such records. This denial does not ultimately impact the outcome of this matter given that: (i) the complainant narrowed his request to only those records identifying the error by the dealership; (ii) the DMV did not determine that a dealership error caused the errant non-compliance fine until May 22, 2024; and (iii) the complainant testified that any other records would not be responsive to his request. Nevertheless, the respondents are cautioned against denying requests for records based on statutory exemptions without first determining whether such records in fact exist. See Town of Greenwich v. Freedom of Information Commission, 226 Conn. App. 30, 69 (2024) ("Because it is undisputed in the present case that the plaintiffs have not searched for or reviewed any responsive records, the commission properly determined that the plaintiffs failed to prove that the requested records are exempt from disclosure. . . .").

3. The Commission notes that the complainant's behavior, specifically at the April 24 continued hearing during which he threatened to walk out on at least two occasions, was disrespectful and lacked decorum. The complainant is cautioned that in accordance with §§1-206(b)(3)(C) and 1-206(b)(3)(D), G.S., the Commission may consider the nature, content and language of verbal communications made to any official of any agency by the person(s) taking an appeal to the Commission and/or a history of disruption of the Commission's administrative process in declining to schedule a future contested case hearing.

Approved by Order of the Freedom of Information Commission at its regular meeting of May 28, 2025.



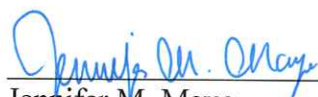
Jennifer M. Mayo
Acting Clerk of the Commission

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:

ROBERT KRIWITSKY, 307 Ivy Drive, Bristol, CT 06010

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF MOTOR VEHICLES; AND STATE OF CONNECTICUT, DEPARTMENT OF MOTOR VEHICLES, 60 State Street, Wethersfield, CT 06161



Jennifer M. Mayo
Acting Clerk of the Commission