

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Jan Gawlik,

Complainant

against

Docket # FIC 2024-0389

Neil Ayers, Director, State of Connecticut,
Connecticut General Assembly, Office of
Fiscal Analysis; and State of Connecticut,
Connecticut General Assembly, Office of
Fiscal Analysis,

Respondents

May 28, 2025

The above-captioned matter was heard as a contested case on January 16, 2025, 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 Info. Comm'n*, 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 Application for Freedom of Information Act Form dated June 21, 2024 and sent by regular mail to the respondents, the complainant requested that they provide him copies of the following records:

FROM YEAR, (2018 -to- PRESENT), CONNECTICUT DEPT. OF
CORRECTIONS BUDGET ALLOTTED (sic.) LEGISLATIVE
FUNDS THAT ARE DISTRIBUTED TO THE CORRECTIONAL
FACILITIES OF: CHESHIRE CORRECTIONAL INSTITUTE -
CHESHIRE, CT., GARNER CORRECTIONAL INSTITUTE--
NEWTOWN, CT., McDOUGALL/WALKER C.I., - SUFFIELD,
CT., --YEARLY BUDGETS OF OBTAINING EXERCISE
EQUIPMENT, WEIGHTS, EXERCISE MACHINES, BASKET
BALLS, ETC, FOR THE INCARCERATED WITHIN THE
ABOVE, (3), DEPT. OF CORRECTIONS FACILITIES. THE
YEARLY BUDGET TO PURCHASE RECREATION

EQUIPMENT, LEDGER OF PURCHASES OF EQUIPMENT,
COST OF RECREATION EQUIPMENT, ALL DOCUMENTS,
BILLS, ETC. (DEPT. OF CORRECTION).

3. By letter of complaint, dated July 1, 2024 and filed July 5, 2024, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with copies of the records, described in paragraph 2, above. The complainant also requested that this Commission impose civil penalties against the respondents.

4. 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.

5. 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.

6. 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.”

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

Any denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, **in writing, within four business days of such request Failure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed to be a denial.**

(Emphasis Added.)

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

Any person **denied** the right to inspect or copy records under section 1-210 ... or **denied any other right conferred by the [FOI] Act** may appeal therefrom to the [FOI] Commission, by filing a notice of appeal with said commission.

(Emphasis Added.)

9. It is found that the respondents never denied the complainant's request in writing.

10. For purposes of determining whether a request sent by mail has been deemed denied pursuant to §1-206(a), G.S. the operative date is the date that the request was received by the public agency. *City of Bridgeport v. Freedom of Info. Comm'n*, 222 Conn. App. 17, 57 (2023), cert. denied, 348 Conn. 936 (2024).

11. At the hearing on this matter, an executive assistant for the Office of Legislative Management testified on behalf of the respondents. She testified, and it is found, that the Office of Legislative Management is part of the General Assembly and that she handled the administration of FOI requests submitted to the General Assembly, including the complainant's request described in paragraph 2, above.

12. Based upon the executive assistant's testimony, it is found that the respondents received the complainant's request described in paragraph 2, above, on July 1, 2024.

13. It is found that, by letter dated July 8, 2024, the executive assistant acknowledged the complainant's request described in paragraph 2, above, and indicated that the respondents would begin the process of examining their files for responsive records and will provide the complainant with "whatever records [they] may legally do so within a reasonable timeframe, given the scope of [his] request."

14. It is found that the complainant's request described in paragraph 2, above, for purposes of §§1-206(a) and 1-206(b)(1), G.S., would be deemed to have been denied on July 8, 2024, four business days from the date the respondents received the request.¹ However, it is found that the complainant filed his complaint on July 5, 2024.

15. Based on the foregoing, it is concluded that the respondents had not denied the complainant's request, within the meaning of §1-206, G.S., at the time the complaint in this matter was filed.

16. It is therefore concluded that the Commission lacks jurisdiction over this matter.²

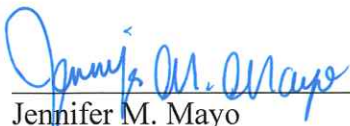
¹ This timeframe includes a weekend and the fourth of July holiday, all of which are not business days.

² Despite the foregoing, the Commission notes that at the hearing on this matter, the respondents testified: that they conducted a reasonable and thorough search; that they do not maintain any records responsive to the complainant's request; that the requested records generally are not of the type that typically would be maintained by the respondents; and that the respondents, as a courtesy, contacted the Connecticut State Library to inquire whether the library had any responsive records but were informed that the library staff were also unable to locate any responsive records.

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

1. The complaint is dismissed.

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



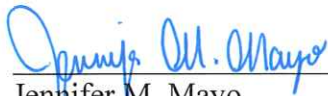
Jennifer M. Mayo
Acting Clerk of the Commission

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:

JAN GAWLIK, #138888, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

NEIL AYERS, DIRECTOR, STATE OF CONNECTICUT, CONNECTICUT GENERAL ASSEMBLY, OFFICE OF FISCAL ANALYSIS; AND STATE OF CONNECTICUT, CONNECTICUT GENERAL ASSEMBLY, OFFICE OF FISCAL ANALYSIS, c/o Assistant Attorney General Timothy J. Holzman, Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106



Jennifer M. Mayo
Acting Clerk of the Commission