

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

John DiIorio,

Complainant

against

Docket #FIC 2024-0619

Commissioner, State of Connecticut,
Department of Banking; and State of
Connecticut, Department of Banking,

Respondents

October 8, 2025

The above-captioned matter was heard as a contested case on June 26, 2025, August 26, 2025, and September 2, 2025, at which times the complainant and the respondents appeared, and presented testimony, exhibits and argument on the complaint. The Commission takes administrative notice of the findings and conclusions in Docket #FIC 2024-0467, John DiIorio v. Commissioner, State of Connecticut, Department of Banking; and State of Connecticut, Department of Banking (July 23, 2025).

After the contested case hearings on this matter, the respondents submitted six after-filed exhibits, which have been admitted into evidence, over the objections of the complainant, and marked as follows: Respondents' Exhibit 6 (after-filed): affidavit of Elizabeth Mullin regarding information sharing agreements, dated September 11, 2025; Respondents' Exhibit 7 (after-filed): affidavit of Elizabeth Mullin regarding in camera submission 6742B, dated September 15, 2025; Respondents' Exhibit 8 (after-filed): affidavit of Elizabeth Mullin regarding in camera submission 6748, dated September 11, 2025; Respondents' Exhibit 9 (after-filed): affidavit of Elizabeth Mullin regarding in camera submission 6770, dated September 17, 2025; Respondents' Exhibit 10 (after-filed): affidavit of Elizabeth Mullin regarding in camera submission 6792, dated September 19, 2025; and Respondents' Exhibit 11 (after-filed): affidavit of Elizabeth Mullin regarding in camera submission 6793, dated September 18, 2025.¹

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.

¹ The Commission notes that all six affidavits were submitted along with the in camera records submitted to the Commission pursuant to the Amended In Camera Order of the hearing officer, described in paragraph 35, below. The hearing officer ordered the respondents to provide a copy of each affidavit to the complainant and accepted the affidavits into evidence after consideration of the complainant's objections thereto.

2. It is found that, through the respondents' web-based request platform, "GovQA",² on or around June 24, 2024, the complainant made the following request for copies:

[o]n the morning of Wednesday, April 17th, 2019 Mr. Cortes sent an email to Alex Alcala, and others, titled "1st Alliance Information." Please produce the contents of this message. AND For the time period 1/1/2018 – present. Please search Mr. Cortes' email and cell phone for messages containing the search terms: 1st Alliance, DiIorio, Andrea Ward, Cole Fleeher, Jospeh [sic] Ballinger, St. Onge, Charland, or Szymanski.

3. It is found that, by GovQA message dated June 24, 2024, the respondents acknowledged the complainant's request and assigned to it, internal reference number R000028-062424. It is found that, by GovQA message dated July 2, 2024, the respondents asked the complainant to narrow the scope his request.

4. It is found that, by GovQA message dated July 8, 2024, the complainant amended his request. It is also found that, by GovQA message dated July 17, 2024, the complainant again amended his request for copies of:

- (a) An email, dated April 17, 2019, from Mr. Cortes to Alex Alcala with the subject line "1st Alliance Information";
- (b) the 680 responsive emails located by the respondents, as referenced in their GovQA message, dated July 17, 2024;
- (c) all emails, text messages and other correspondence of any kind:
 - i. to or from Mr. Cortes, between January 1, 2018 through May 15, 2018, containing search terms Romano, Prendergast, 1st Alliance, or Spring Training School;
 - ii. from Mr. Cortes, between October 1, 2018 through December 15, 2019, containing search terms Romano, St. Onge, Wilcox, Tabb, or Charland; and
 - iii. from Mr. Cortes, between May 1, 2019 through October 31, 2019, containing search terms 1st Alliance, bond cancelation, automatic suspension, or revocation.

5. It is found that, by GovQA message dated July 26, 2024, the respondents acknowledged the complainant's request and informed the complainant that they had provided the Department of Administrative Services with the new search terms, described in paragraph 4(c), above. It is also found that, by the same GovQA message dated July 26, 2024, the

² The Commission notes that the original request was submitted by email, on or around June 21, 2024, and uploaded by the respondents to GovQA on June 24, 2024.

respondents denied the complainant's request for the April 17th email, described in paragraph 4(a), above, and claimed that it was exempt from disclosure pursuant to §36a-21(a), G.S.³

6. It is found that the complainant and the respondents continued communicating through the GovQA message portal, with messages dated July 28, 2024, July 30, 2024, August 8, 2024, August 9, 2024, September 6, 2024, September 16, 2024, and September 20, 2024.

7. It is found that, by GovQA message dated September 30, 2024, the respondents informed the complainant that they had completed his records request for reference number R00028-062424 and had released all non-exempt records through the GovQA portal.

8. It is found that, by GovQA message dated September 30, 2024, the complainant informed the respondents that he was having difficulty accessing the records through GovQA and requested that the respondents reformat the records responsive to his request, described in paragraph 4(c), above, into three separate PDF documents reflecting the three subparts of such request.

9. It is found that, by GovQA message dated October 15, 2024, the respondents acknowledged the complainant's request and informed him that they had assigned a new reference number to it: #28-062424.

10. By letter of complaint, dated October 14, 2024 and filed October 15, 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 records request R000028-62424. It is found that, in such complaint, the complainant wrote: "This matter is directly related to 2024-0467 ... I've attached all relevant documentation. We made a FOI request on March 30th, 2024. Different record groups were denied in [different] intervals. Some modification of searches were processed as [modified] search terms, others were [converted] to 'new requests', by the Department itself..." It is also found that the Commission administratively withdrew the complaint twice, requiring more information from the complainant as a prerequisite to docketing the matter for a contested case hearing. It is further found that the complainant responded with such additional information, including pages of supporting GovQA messages and wrote, by email dated October 15, 2024, "[p]lease see attached complaint for request tracked by Department of Banking as FOI Records Request R000028-062424."

11. It is found that, by GovQA message, dated October 29, 2024, the respondents informed the complainant that they had completed request #28-062424 and produced copies of all responsive, non-exempt records in five sets of PDFs on a USB drive and five sets of hardcopies.

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

³ The Commission notes that the April 17th email, described in paragraph 4(a), above, was ultimately disclosed to the complainant and entered into evidence as Complainant's Exhibit F and will, therefore, not be further addressed herein.

“[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 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

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

[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.

14. Section 1-212(a), G.S., provides, in relevant part: “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

15. It is concluded that the requested records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

Scope of the Complaint

16. Prior to the hearing, during the contested case hearings, and in their post-hearing brief, the respondents contended that the Commission does not “have jurisdiction to hold an investigatory hearing to identify the allegations, and then to investigate the June 24, 2024 requests on the basis of this complaint...”⁴ The respondents further claimed that to hold otherwise would require the “repudiation” of the Commission’s reasoning in Docket #FIC 2024-0467.

17. It is found that, on March 10, 2025, the respondents filed with the Commission, Respondents’ Application for More Definite and Detailed Statement of the Matters Asserted, alleging that the respondents could not possibly decipher what records were at issue in the complainant’s appeal to the Commission.⁵

18. By order, dated April 7, 2025, the hearing officer granted the respondents’ application, described in paragraph 17, above, and issued an Order RE: Application for a More

⁴ See Respondents’ Post-Investigatory Brief, p. 9.

⁵ The Commission notes that, upon receipt of the respondents’ March 10th application, Commission staff realized they had failed to enter the number of pages in the Notice of Hearing and Order to Show Cause for this matter, notified the respondents of such error and sent a Corrected Notice of Hearing and Order to Show Cause with all attachments and the proper number of pages.

Definite and Detailed Statement to the parties, providing the regulatory basis for the contested case hearing and attaching a copy of the complaint, thereto, for reference.

19. At the June 26, 2025, contested case hearing, the respondents again complained that they could not possibly decipher what records were at issue in the complainant's appeal. Noting uncertainty regarding the complainant's appeal, the undersigned hearing officer signaled his intent to use the June 26th contested case hearing to determine the exact scope of what was at issue between the parties.

20. The Commission notes that much of the hearing officer's initial confusion regarding the scope of the complaint stemmed, not from the complainant, but from the respondents' use of multiple reference numbers in responding to the complainant's request(s). The Commission also notes that when the respondents' attorney finally called his first witness to testify at the third continued hearing on September 2, 2025, the witness easily explained the timeline of the complainant's request and the steps taken by the respondents to respond to such request.

21. It is found, contrary to the respondents' position, that the complainant's allegations were fairly raised in the complaint and such finding comports with the Commission's decision in Docket #FIC 2024-0467. It is found in this matter, as it was in Docket #FIC 2024-0467, that the Commission does not have jurisdiction over the complainant's request, dated March 30, 2024. It is further found, however, that the Commission does have jurisdiction over the complainant's July 17, 2024 request, described in paragraph 4, above, and the complainant's September 30, 2024 request, described in paragraph 8, above.

22. Our Supreme Court has made clear that "[a]s a practical matter, the FOIA is used repeatedly by members of the public who are unschooled in technical, legalistic language distinctions." Perkins v. FOI Commission, 228 Conn. 158, 167 (1993) ("Perkins"). The Supreme Court, in disagreeing with the trial court in Perkins, also said: "the trial court ... relied on distinctions that are overly formal and legalistic in light of the public policy expressed by the FOIA. The overarching legislative policy of the FOIA is one that favors 'the open conduct of government and free public access to government records.' ... As we have repeatedly noted, '[o]ur construction of the FOIA must be guided by the policy favoring disclosure....'" Perkins at 166-67 (citation omitted).

23. It is found, based upon a fair reading of the complaint filed October 15, 2024, and the attachments thereto, as described in paragraph 10, above, that the scope of the complaint, as determined by the Commission, is proper, and the Commission has jurisdiction over such complaint.

24. Moreover, out of an abundance of caution and with an emphasis on proper notice and fairness to both parties, based upon the respondents' request at the June 26, 2025 contested case hearing, the hearing officer, in good faith, continued the matter to allow the respondents ample opportunity to prepare their case.

25. It is found that, rather than prepare the respondents' witnesses to testify regarding the records at issue, the exemptions being claimed, or their actions with respect to such records, the

respondents' attorney used the entirety of the August 26th continued hearing to interrogate the complainant on cross-examination, and continued to argue that the Commission lacked jurisdiction to review the respondents' claim that the responsive records are exempt from disclosure pursuant to §36a-21, G.S. At the August 26th continued hearing, the respondents' attorney refused the hearing officer's attempts to direct the respondents to put on evidence or call witnesses. Instead, the respondents' attorney argued with the hearing officer and asserted he could put on his case however he chose to.⁶

Jurisdiction to Review In Camera Records Claimed to be Exempt Pursuant to §36a-21, G.S.

26. It is found that, the main, substantive argument relied upon by the respondents, and repeatedly asserted throughout the hearings on this matter, is that the Commission does not have jurisdiction to "review actions taken pursuant to state banking law". To that end, during the September 2nd continued hearing, in response to the hearing officer attempting to explain that he needed testimony regarding the claimed exemption, so that he could review such records in camera, the respondents' attorney responded: "[y]ou are not an employee of the Department of Banking. You cannot look at Department regulatory records and decide who individuals are and what the rules are."

27. In their post-hearing brief, the respondents argued *inter alia*, that the doctrine of surplusage prohibits the Commission from determining whether records deemed to be confidential by an agency interpreting state law are properly withheld from the public. The respondents also equate their interpretation of §36a-21, G.S., to child protection files maintained by the Department of Children and Families.

28. It is found that this Commission has already heard and denied the respondents' argument that the Department of Banking's determinations that records are exempt from disclosure pursuant to §36a-21, G.S., are unimpeachable under the FOI Act or by this Commission. See Docket #FIC 2024-0467, John DiIorio v. Commissioner, State of Connecticut, Department of Banking; and State of Connecticut, Department of Banking (July 23, 2025).

29. The Supreme Court has repeatedly stated that the general rule under the FOI Act is disclosure; exceptions to this rule must be narrowly construed, and the burden of establishing the applicability of an exemption clearly rests upon the party claiming the exemption. See New Haven v. FOI Commission, 205 Conn. 767, 775 (1988); Ottochian v. FOI Commission, 221 Conn. 393 (1992). "This burden requires the claimant of the exemption to provide more than conclusory language, generalized allegations or mere arguments of counsel. Rather, a sufficiently detailed record must reflect the reasons why an exemption applies to the materials requested." Director, Retirement & Benefits Service v. FOI Commission, 256 Conn. 764, 773 (2001), citing New Haven, *supra*.

30. Moreover, in State Department of Banking v. FOI Commission, No. CV 950554467S, 1996 WL 636472 ("DOB v. FOI Commission"), the Superior Court upheld this

⁶ The Commission notes that while this is true, it is the hearing officer, not the respondents' attorney, who is the finder of fact and who must determine what facts are probative and to weigh the evidence in a given case.

Commission's determination that the respondent Department violated the FOI Act by withholding certain records pursuant to §36a-21, G.S. There, the court concluded that §36a-21, G.S., does not exempt every piece of information in the respondent Department's possession, and that §36a-21(a), G.S., only applies "to information obtained by the Department relating to personal business, financial and investment information of financial institutions and/or their customers." DOB v. FOI Commission at *3. In doing so, the court cited to the FOI Act's overarching policy in favor of the disclosure of public records and held that "[a]n exception to the disclosure policy such as 36a-21 must be narrowly construed." DOB v. FOI Commission at *2. It is therefore concluded that the courts have already spoken on this issue and ruled that this Commission has authority to review records claimed to be exempt from disclosure under §36a-21, G.S., and determine whether such records are properly withheld from a requester.

31. It is found that, while an agency is afforded deference to interpret its own statutes, the Commission has jurisdiction to determine whether records are public records, and if they are public records, whether they are exempt from disclosure. See §1-205(b), G.S. It is also found that it is the respondents' burden to establish that the records are what the agency claims them to be and that they are exempt from disclosure pursuant to the claimed statutory reference. It is further found that due to the manner in which the respondents' counsel decided to put forth the respondents' case, they did not provide any witness prepared to give testimony applying the exemptions claimed on the in camera indexes to the in camera records submitted to the Commission.⁷

Records Submitted for In Camera Inspection

32. By order, dated September 4, 2025, the hearing officer ordered, over the respondents' objection, that the respondents submit to the Commission an unredacted copy of all responsive records for an in camera inspection, along with an in camera index.

33. On September 4, 2025, the respondents submitted Respondents' Motion for Articulation.

34. On September 5, 2025, the complainant submitted his Objection to [Respondents'] Request for Articulation ("complainant's Objection"). It is found that, in such objection, the complainant agreed to waive in camera inspection of, and withdraw his challenge to, all attachments to responsive emails in the above-captioned matter, reserving his right to request such attachments in future FOI Act request(s).

35. On September 5, 2025, in response to Respondents' Motion for Articulation, described in paragraph 33, above, and complainant's Objection, described in paragraph 34, above, the hearing officer sent the parties Notice of Denial of Respondents' Motion for Articulation and Amended Order to Submit Records for In Camera Inspection ("Amended In Camera Order"). Pursuant to such order, the respondents were ordered to submit unredacted copies of:

⁷ See paragraph 39, below.

all records responsive to the respondents' internal FOI Act Request Reference #28-062424 that (a) the complainant received and is challenging the redactions thereto, as set forth in Complainant's Exhibit D, unless such redacted information has since been disclosed to the complainant, pursuant [to] Respondents' Exhibit 3;⁸ and (b) those emails, but not the attachments thereto, that the respondents are claiming are exempt from disclosure in their entirety.

36. On September 9, 2025, the respondents filed a request for clarification, in which they argued *inter alia*, that attachments to responsive emails could not be separated from such emails because the respondents consider them to be a single record for purposes of their analysis under §36a-21, G.S. The respondents argued in such request for clarification that "[r]espondents do not bifurcate our confidential regulatory records as imagined by the complainant and suggested by the Order."

37. On September 10, 2025, the complainant filed his Objection to [Respondents'] Request for Clarification.

38. By order, dated September 10, 2025, the hearing officer notified the parties that he would allow the respondents to submit in camera records no longer at issue between the parties (e.g. attachments to responsive emails), if the respondents believed it necessary for the totality of the records to be read in context. However, the hearing officer also ordered the respondents to clearly specify on the in camera index which records were being claimed as exempt from disclosure and which records were being submitted to provide the hearing officer with context.

39. On September 12, 2025, September 16, 2025, September 17, 2025, and September 19, 2025, the respondents submitted five batches of responsive records for in camera inspection, totaling approximately 12,424 pages. The respondents also submitted five in camera indexes corresponding to each respective submission, five corresponding affidavits for each submission and one additional affidavit.⁹ The in camera records shall be identified hereinafter as:

- (i) IC-2024-0619-6742B-1 through IC-2024-0619-6742B-2887¹⁰;
- (ii) IC-2024-0619-6748-1 through IC-2024-0619-6748-1380¹¹;
- (iii) IC-2024-0619-6770-1 through IC-2024-0619-6770-1535¹²;
- (iv) IC-2024-0619-6792-1 through IC-2024-0619-6792-4097¹³; and
- (v) IC-2024-0619-6793-1 through IC-2024-0619-6793-2525¹⁴.

⁸ Respondents' Exhibit 3 asserts that, based upon allegations raised by the complainant during the August 26th continued hearing, the respondents reviewed redactions that had previously been made to responsive records, pursuant to §1-210(b), G.S., and subsequently disclosed some information to the complainant that had previously been redacted.

⁹ See FN 1, above.

¹⁰ The respondents bates stamped such records as IC6742B0001 through IC6742B2887.

¹¹ The respondents bates stamped such records as IC6748A001 through IC6748A1380.

¹² The respondents bates stamped such records as IC6770001 through IC67701535.

¹³ The respondents bates stamped such records as IC6792A001 through IC6792A4097.

¹⁴ The respondents bates stamped such records as IC6793A001 through IC6793A2525.

40. On the in camera indexes, the respondents contended that the majority of the records are entirely exempt from disclosure pursuant to §§36a-21(a)(1), 36a-21(a)(2), 36a-21(a)(3)(B), 36a-21(a)(3)(C), G.S. The respondents also contended that portions of certain in camera records are exempt from disclosure under §1-210(b)(10), G.S.

41. It is found that on the in camera indexes, the respondents continued to claim all attachments to emails as exempt from disclosure.¹⁵

42. It is found that, on the in camera indexes, the respondents admitted that the following records were “inadvertently withheld” from the complainant and were subsequently provided to him:

- (i) IC-2024-0619-6742B-13 through IC-2024-0619-6742B-65; IC-2024-0619-6742B-516; IC-2024-0619-6742B-519 through IC-2024-0619-6742B-545; IC-2024-0619-6742B-617 through IC-2024-0619-6742B-624; IC-2024-0619-6742B-795 through IC-2024-0619-6742B-810; IC-2024-0619-6742B-942 through IC-2024-0619-6742B-943; IC-2024-0619-6742B-1011 through IC-2024-0619-6742B-1013; IC-2024-0619-6742B-1018 through IC-2024-0619-6742B-1019; IC-2024-0619-6742B-1046; IC-2024-0619-6742B-1177 through IC-2024-0619-6742B-1178; IC-2024-0619-6742B-1197; IC-2024-0619-6742B-1824 through IC-2024-0619-6742B-1859; IC-2024-0619-6742B-1993 through IC-2024-0619-6742B-2001; IC-2024-0619-6742B-2056 through IC-2024-0619-6742B-2058; IC-2024-0619-6742B-2423; IC-2024-0619-6742B-2482 through IC-2024-0619-6742B-2483; IC-2024-0619-6742B-2672 through IC-2024-0619-6742B-2679; IC-2024-0619-6742B-2684 through IC-2024-0619-6742B-2686; IC-2024-0619-6742B-2775 through IC-2024-0619-6742B-2779; IC-2024-0619-6742B-2802; IC-2024-0619-6742B-2808 through IC-2024-0619-6742B-2809; IC-2024-0619-6742B-2818 through IC-2024-0619-6742B-2820; and IC-2024-0619-6742B-2845.
- (ii) IC-2024-0619-6748-234 through IC-2024-0619-6748-245; IC-2024-0619-6748-356 through 407; IC-2024-0619-6748-414 through IC-2024-0619-6748-416; IC-2024-0619-6748-1093 through IC-2024-0619-6748-1098; IC-2024-0619-6748-1099 through IC-2024-0619-6748-1100; IC-2024-0619-6748-1114 through IC-2024-0619-6748-1147; IC-2024-0619-6748-1288 through IC-2024-0619-6748-1290; and IC-2024-0619-6748-1314 through IC-2024-0619-6748-1316.
- (iii) IC-2024-0619-6770-1525 through IC-2024-0619-6770-1535.
- (iv) IC-2024-0619-6792-54; IC-2024-0619-6792-142 through IC-2024-0619-6792-143; IC-2024-0619-6792-169 through IC-2024-0619-6792-175; IC-2024-0619-6792-181 through IC-2024-0619-6792-183; IC-2024-0619-6792-206 through IC-2024-0619-6792-207; IC-2024-0619-6792-218 through IC-2024-0619-6792-219;

¹⁵ The Commission notes that because the complainant has withdrawn his challenge as to any attachments to responsive emails, such attachments are no longer at issue in this matter and will not be addressed herein.

IC-2024-0619-6792-232 through IC-2024-0619-6792-233; IC-2024-0619-6792-339 through IC-2024-0619-6792-341; IC-2024-0619-6792-347 through IC-2024-0619-6792-349; IC-2024-0619-6792-361 through IC-2024-0619-6792-362; IC-2024-0619-6792-518 through IC-2024-0619-6792-519; IC-2024-0619-6792-528; IC-2024-0619-6792-536 through IC-2024-0619-6792-538; IC-2024-0619-6792-542 through IC-2024-0619-6792-543; IC-2024-0619-6792-613 through IC-2024-0619-6792-614; IC-2024-0619-6792-714 through IC-2024-0619-6792-715; IC-2024-0619-6792-783 through IC-2024-0619-6792-784; IC-2024-0619-6792-827 through IC-2024-0619-6792-831; IC-2024-0619-6792-1101; IC-2024-0619-6792-1232; IC-2024-0619-6792-1255 through IC-2024-0619-6792-1256; IC-2024-0619-6792-1361 through IC-2024-0619-6792-1362; IC-2024-0619-6792-1690; IC-2024-0619-6792-1781 through IC-2024-0619-6792-1788; IC-2024-0619-6792-1802 through IC-2024-0619-6792-1808; IC-2024-0619-6792-1812 through IC-2024-0619-6792-1815; IC-2024-0619-6792-1821 through IC-2024-0619-6792-1825; IC-2024-0619-6792-1894 through IC-2024-0619-6792-1897; IC-2024-0619-6792-2167 through IC-2024-0619-6792-2174; IC-2024-0619-6792-2248 through IC-2024-0619-6792-2249; IC-2024-0619-6792-2612 through IC-2024-0619-6792-2613; IC-2024-0619-6792-2628 through IC-2024-0619-6792-2629; IC-2024-0619-6792-2649 through IC-2024-0619-6792-2650; IC-2024-0619-6792-2675 through IC-2024-0619-6792-2676; IC-2024-0619-6792-2696 through IC-2024-0619-6792-2699; IC-2024-0619-6792-2725 through IC-2024-0619-6792-2726; IC-2024-0619-6792-2817 through IC-2024-0619-6792-2818; IC-2024-0619-6792-2843; IC-2024-0619-6792-3109 through IC-2024-0619-6792-3110; IC-2024-0619-6792-3160¹⁶; IC-2024-0619-6792-3642; IC-2024-0619-6792-3655 through IC-2024-0619-6792-3657; IC-2024-0619-6792-3723 through IC-2024-0619-6792-3724; IC-2024-0619-6792-3730 through IC-2024-0619-6792-3763; IC-2024-0619-6792-3766 through IC-2024-0619-6792-3777; IC-2024-0619-6792-3841 through IC-2024-0619-6792-3842; IC-2024-0619-6792-3847 through IC-2024-0619-6792-3851; and IC-2024-0619-6792-3861 through IC-2024-0619-6792-3862.

- (v) IC-2024-0619-6793-920 through IC-2024-0619-6793-955.¹⁷

Section 36a-21, G.S.

43. With regard to the respondents' claim that certain records are exempt from disclosure pursuant to §36a-21(a), G.S., such provision states in relevant part:

- (a) Notwithstanding any provision of state law and except as provided in subsections (b) and (d) of this section and subdivision

¹⁶ The Commission notes that on the in camera index, IC-2024-0619-6792-3160 is listed as exempt from disclosure pursuant to §36a-21(a)(2), G.S., but in Respondents' Exhibit 10 (after-filed), the respondents attest that such record was inadvertently withheld and subsequently provided to the complainant.

¹⁷ The Commission notes that, if not for the hearing officer ordering an in camera inspection of responsive records, there is no reason to believe any of the improperly withheld records identified in paragraph 42, above, would have been provided to the complainant.

(2) of subsection (a) of section 36a-534b, the following records of the Department of Banking shall not be disclosed by the commissioner or any employee of the Department of Banking, or be subject to public inspection or discovery:

(1) Examination and investigation reports and information contained in or derived from such reports, including examination reports prepared by the commissioner or prepared on behalf of or for the use of the commissioner;

(2) Confidential supervisory or investigative information and records obtained or collected by a state, federal or foreign regulatory or law enforcement agency;

(3) Information obtained, collected or prepared in connection with examinations, inspections or investigations, and complaints from the public received by the Department of Banking, if such records are protected from disclosure under federal or state law or, in the opinion of the commissioner, such records would disclose, or would reasonably lead to the disclosure of: ... (B) personal or financial information, including account or loan information, without the written consent of the person or persons to whom the information pertains; or (C) information that would harm the reputation of any person or affect the safety and soundness of any person whose activities in this state are subject to the supervision of the commissioner, and the disclosure of such information under this subparagraph would not be in the public interest....

44. In Respondents' Request for Clarification, dated September 9, 2025, the respondents claim, without legal precedent, that responsive emails and attachments thereto cannot be separated because the respondents consider such to be a single electronic record.¹⁸ The Commission rejects this argument outright. It is found that the complainant's request, described in paragraph 4, above, was for emails, text messages and correspondence, and that the complainant withdrew his challenge, in this matter, to any and all attachments to such emails.¹⁹ It is concluded, therefore, that where the only support for the respondents' contention that responsive emails are exempt from disclosure because such emails contain confidential attachments, the respondents have failed to prove that the responsive emails are exempt from disclosure pursuant to §36a-21, G.S.

45. With respect to the respondents' claim that certain records, as indicated on the in camera indexes, are exempt from disclosure pursuant to §36a-21(a)(2), G.S., it is found, based upon a careful inspection of the in camera records, that the respondents failed to prove that the

¹⁸ Insofar as the respondents rely on Docket #FIC 2001-257, Donna D. Convicer v. Commissioner, State of Connecticut, Department of Banking, et al., (May 8, 2002), such case is not instructive, as this issue is not presented therein.

¹⁹ See paragraph 41, FN 15, above.

following in camera records are records of the Connecticut Department of Banking and such records constitute confidential supervisory or investigative information and records obtained or collected by a state, federal or foreign regulatory or law enforcement agency, within the meaning of §36a-21(a)(2), G.S.:

- (i) IC-2024-0619-6742B-1; IC-2024-0619-6742B-4; IC-2024-0619-6742B-66; IC-2024-0619-6742B-71; IC-2024-0619-6742B-76; IC-2024-0619-6742B-78; IC-2024-0619-6742B-83; IC-2024-0619-6742B-89; IC-2024-0619-6742B-98; IC-2024-0619-6742B-106; IC-2024-0619-6742B-108; IC-2024-0619-6742B-110; IC-2024-0619-6742B-427; IC-2024-0619-6742B-429 through IC-2024-0619-6742B-428; IC-2024-0619-6742B-430; IC-2024-0619-6742B-432; IC-2024-0619-6742B-453; IC-2024-0619-6742B-457; IC-2024-0619-6742B-459; IC-2024-0619-6742B-469; IC-2024-0619-6742B-546; IC-2024-0619-6742B-548; IC-2024-0619-6742B-552; IC-2024-0619-6742B-554; IC-2024-0619-6742B-556; IC-2024-0619-6742B-558; IC-2024-0619-6742B-560; IC-2024-0619-6742B-562; IC-2024-0619-6742B-570; IC-2024-0619-6742B-572; IC-2024-0619-6742B-574; IC-2024-0619-6742B-607; IC-2024-0619-6742B-615; IC-2024-0619-6742B-625; IC-2024-0619-6742B-627; IC-2024-0619-6742B-629; IC-2024-0619-6742B-631; IC-2024-0619-6742B-646; IC-2024-0619-6742B-652; IC-2024-0619-6742B-654; IC-2024-0619-6742B-656; IC-2024-0619-6742B-658; IC-2024-0619-6742B-660; IC-2024-0619-6742B-662; IC-2024-0619-6742B-664; IC-2024-0619-6742B-666; IC-2024-0619-6742B-668; IC-2024-0619-6742B-670; IC-2024-0619-6742B-672; IC-2024-0619-6742B-781; IC-2024-0619-6742B-791; IC-2024-0619-6742B-793; IC-2024-0619-6742B-811; IC-2024-0619-6742B-813; IC-2024-0619-6742B-879; IC-2024-0619-6742B-1015; IC-2024-0619-6742B-1237; IC-2024-0619-6742B-2002 through IC-2024-0619-6742B-2004; IC-2024-0619-6742B-2023; IC-2024-0619-6742B-2042 through IC-2024-0619-6742B-2043; IC-2024-0619-6742B-2059; IC-2024-0619-6742B-2271; IC-2024-0619-6742B-2302 through IC-2024-0619-6742B-2303; IC-2024-0619-6742B-2306; IC-2024-0619-6742B-2323 through IC-2024-0619-6742B-2324; IC-2024-0619-6742B-2330; IC-2024-0619-6742B-2332; IC-2024-0619-6742B-2351; IC-2024-0619-6742B-2484; IC-2024-0619-6742B-2603; IC-2024-0619-6742B-2608; IC-2024-0619-6742B-2626; IC-2024-0619-6742B-2645; IC-2024-0619-6742B-2680; IC-2024-0619-6742B-2682; IC-2024-0619-6742B-2687; IC-2024-0619-6742B-2695; IC-2024-0619-6742B-2697; IC-2024-0619-6742B-2702; IC-2024-0619-6742B-2704; IC-2024-0619-6742B-2706; IC-2024-0619-6742B-2708; IC-2024-0619-6742B-2710; IC-2024-0619-6742B-2712; IC-2024-0619-6742B-2729; IC-2024-0619-6742B-2731; IC-2024-0619-6742B-2733; IC-2024-0619-6742B-2737; IC-2024-0619-6742B-2739; IC-2024-0619-6742B-2747; IC-2024-0619-6742B-2754; IC-2024-0619-6742B-2767; IC-2024-0619-6742B-2769; IC-2024-0619-6742B-2771; IC-2024-0619-6742B-2773; IC-2024-0619-6742B-2780; IC-2024-0619-6742B-2787; IC-2024-0619-6742B-2798; IC-2024-0619-6742B-2800; IC-2024-0619-6742B-2803; IC-2024-0619-6742B-2838; IC-2024-0619-6742B-2843; IC-2024-0619-6742B-2846; IC-2024-0619-6742B-2849; IC-2024-0619-6742B-2851; IC-2024-0619-6742B-2853; IC-2024-0619-6742B-2855; IC-2024-0619-6742B-2857; IC-2024-0619-6742B-2859; IC-2024-0619-6742B-2882; IC-2024-0619-6742B-2884; and IC-

2024-0619-6742B-2886.

- (ii) IC-2024-0619-6748-408 and IC-2024-0619-6748-1294.
- (iii) IC-2024-0619-6770-8; IC-2024-0619-6770-58; IC-2024-0619-6770-234; IC-2024-0619-6770-244 through IC-2024-0619-6770-246; IC-2024-0619-6770-261; IC-2024-0619-6770-283 through IC-2024-0619-6770-295; IC-2024-0619-6770-331 through IC-2024-0619-6770-332; IC-2024-0619-6770-699; IC-2024-0619-6770-1005 through IC-2024-0619-6770-1006; IC-2024-0619-6770-1046 through IC-2024-0619-6770-1047; IC-2024-0619-6770-1073; IC-2024-0619-6770-1077 through IC-2024-0619-6770-1079; IC-2024-0619-6770-1101 through IC-2024-0619-6770-1103; IC-2024-0619-6770-1127 through IC-2024-0619-6770-1137; IC-2024-0619-6770-1169 through IC-2024-0619-6770-1172; IC-2024-0619-6770-1291 through IC-2024-0619-6770-1292; IC-2024-0619-6770-1301 through IC-2024-0619-6770-1307; IC-2024-0619-6770-1309 through IC-2024-0619-6770-1316; IC-2024-0619-6770-1341; IC-2024-0619-6770-1355; and IC-2024-0619-6770-1372.
- (iv) IC-2024-0619-6792-458; IC-2024-0619-6792-501; and IC-2024-0619-6792-2700.
- (v) IC-2024-0619-6793-23; IC-2024-0619-6793-256; IC-2024-0619-6793-474; IC-2024-0619-6793-491; IC-2024-0619-6793-510; IC-2024-0619-6793-551 through IC-2024-0619-6793-552; IC-2024-0619-6793-568; IC-2024-0619-6793-570 through IC-2024-0619-6793-571; IC-2024-0619-6793-574; IC-2024-0619-6793-593; IC-2024-0619-6793-1194 through IC-2024-0619-6793-1198; IC-2024-0619-6793-1227; IC-2024-0619-6793-1246; IC-2024-0619-6793-1276; IC-2024-0619-6793-1285 through IC-2024-0619-6793-1286; IC-2024-0619-6793-1297; IC-2024-0619-6793-1509; IC-2024-0619-6793-1531; IC-2024-0619-6793-1544; IC-2024-0619-6793-1551; IC-2024-0619-6793-1569; IC-2024-0619-6793-1588; and IC-2024-0619-6793-1607.

46. With respect to the respondents' claim that certain records, as indicated on the in camera indexes, are exempt from disclosure pursuant to §36a-21(a)(1), G.S., it is found, based upon a careful inspection of the in camera records, that no such records identified in paragraph 45, above, are "examination and investigation reports and information contained in or derived from such reports" within the meaning of §36a-21(a)(1), G.S.

47. With respect to the respondents' claim that certain records, as indicated on the in camera indexes, are exempt from disclosure pursuant to §36a-21(a)(3)(C), G.S., it is found, based upon a careful inspection of the in camera records, that no such records identified in paragraph 45, above, are "information that would harm the reputation or safety and soundness of any person subject to the supervision of the commissioner" within the meaning of §36a-21(a)(3)(C), G.S.

48. It is therefore concluded, based upon the forgoing, that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by failing to disclose a copy of the records identified in paragraph 45, above.

49. With respect to the respondents' claim that certain in camera records, as indicated on the in camera indexes, are exempt from disclosure pursuant to §36a-21(a)(3)(B), G.S., it is found, based upon a careful inspection of the in camera records, that such records contain personal or financial information within the meaning of §36a-21(a)(3)(B), G.S., that should not be disclosed without the written consent of such person or persons. It is therefore concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by not disclosing a copy of such records to the complainant.

50. In his post-hearing brief, the complainant contended that, pursuant to §36a-21(e), G.S., any records claimed exempt pursuant to §36a-21(a), G.S., that relate to the public adjudication of the enforcement actions concerning 1st Alliance's license to do business as a mortgage lender in this state must be disclosed because such enforcement actions were publicly adjudicated.

51. Section 36a-21(e), G.S., provides, in relevant part, that "[t]he confidentiality provisions of [§36a-21, G.S.] shall not apply to records relating to the employment history of, and *publicly adjudicated disciplinary and enforcement actions* against, persons that are included in the system for access by the public." (Emphasis added.)

52. Section 36a-2(50), G.S., defines "person" as "an individual, company, including a company ... or any other legal entity, including a federal, state or municipal government or agency or any political subdivision thereof"

53. It is found that the "system" referenced in §36a-21(e), G.S., refers to the Nationwide Multistate Licensing System and Registry ("NMLS"). See §36a-2(72), G.S.

54. The Commission has found no case law construing §36a-21(e), G.S., nor have the parties presented any such judicial authority to the Commission. However, "[i]n construing a statute, common sense must be used and courts must assume that a reasonable and rational result was intended." Dorry v. Garden, 313 Conn. 516, 531 (2014).

55. It is concluded that, based upon a reasonable interpretation of the statute as a whole, §36a-21(e), G.S., applies to records that are made public through publicly adjudicated disciplinary and enforcement actions, within the meaning of §36a-21(e), G.S.

56. It is found that 1st Alliance is a "person" that is included in the NMLS system for access by the public.

57. With respect to this issue, the Commission takes administrative notice of the public record in 1st Alliance Lending LLC v. State of Connecticut Department of Banking, HHB-CV21-6066325-S ("HHB-CV21-6066325-S") and the respective administrative record publicly available on the Judicial Branch's website. The Commission also takes administrative notice of

the following: In the matter of: Alliance Lending, LLC, NMLS #2819, Findings of Fact, Conclusions of Law and Order, (Oct. 4, 2019) (DOB commissioner revoked 1st Alliance's license because respondent failed to obtain the statutorily required surety bond); In the matter of: Alliance Lending, LLC, NMLS #2819, Findings of Fact, Conclusions of Law and Order (April 16, 2021) (DOB Commissioner revoked 1st Alliance's license to do business in this state as a mortgage lender and imposed a civil penalty for multiple violations of state and federal law); 1st Alliance Lending, LLC v. Dept. of Banking, 342 Conn. 273, 275 (2022), (upholding commissioner's revocation of 1st Alliance Lending LLC's mortgage lending license due to its failure to maintain a surety bond); 1st Alliance Lending LLC v. Dept. of Banking, HHB-CV-21-6066325, Memorandum of Decision, (Conn. Sup. Ct. April 19, 2023) (upholding DOB's decision to revoke 1st Alliance's license to do business in this state as a mortgage lender and imposing a \$750,000 civil penalty); 1st Alliance Lending, LLC v. Dep't of Banking, 229 Conn. App. 664 (2024), cert. denied, 351 Conn. 906 (2025) (upholding DOB's decision revoking 1st Alliance's license to do business as a mortgage lender in this state and imposing a civil penalty for multiple violations of state and federal law).

58. Based upon a careful inspection of the in camera records as well as the administrative record filed in HHB-CV21-6066325-S and the other cases cited in paragraph 57, above, it is found that no responsive emails, submitted for in camera inspection, identified in paragraph 39, above, which have not already been provided to the complainant, constitute records relating to the publicly adjudicated enforcement actions against 1st Alliance, within the meaning of §36a-21(e), G.S.

Section 1-210(b)(10), G.S.

59. With regard to the respondents' claim that certain portions of the in camera records, as indicated on the in camera indexes, contain information that is exempt from disclosure pursuant to §1-210(b)(10), G.S., such provision permits a public agency to withhold from disclosure records of "communications privileged by the attorney-client relationship."

60. Section 52-146r(b), G.S., provides that "[i]n any civil or criminal case or proceeding or in any legislative or administrative proceeding, all confidential communications shall be privileged and a government attorney shall not disclose any such communications unless an authorized representative of the public agency consents to waive the privilege and allow disclosure." In Maxwell v. FOI Commission, 260 Conn. 143, 149 (2002), the Connecticut Supreme Court held that §52-146r, G.S., "merely codif[ies] the common law attorney-client privilege as this court previously defined it."

61. Section 52-146r(a)(2), G.S., defines "confidential communications" to mean:

all oral and written communications transmitted in confidence between a public official or employee of a public agency acting in the performance of his or her duties or within the scope of his or her employment and a government attorney relating to legal advice sought by the public agency or a public official or employee of such public agency from that attorney, and all records prepared by

the government attorney in furtherance of the rendition of such legal advice.

62. The Supreme Court has adopted a four part test to determine whether communications are subject to the attorney-client privilege: “(1) the attorney must be acting in a professional capacity for the agency; (2) the communications must be made to the attorney by current employees or officials of the agency; (3) the communications must relate to the legal advice sought by the agency from the attorney; and (4) the communications must be made in confidence.” Shew v. FOI Commission, 245 Conn. 149, 159 (1998). “If it is clear from the face of the records, extrinsic evidence is not required to prove the existence of the attorney-client privilege.” Lash v. FOI Commission, 300 Conn. 511, 516-17 (2011).

63. Moreover, the attorney-client privilege protects both the confidential giving of professional advice by an attorney acting in the capacity of a legal advisor to those who can act on it, as well as the giving of information to the lawyer to enable counsel to give sound and informed advice.” PSE Consulting, Inc. v. Frank Mercede & Sons, Inc., 267 Conn. 279, 329–30 (2004).

64. Based upon a careful in camera inspection, it is found that the in camera records described in paragraph 59, above, consist of communications “between a public official or employee of a public agency acting in the performance of his or her duties or within the scope of his or her employment and a government attorney,” which “relate to legal advice” sought by the public agency client from the attorney, and were “transmitted in confidence,” or were “records prepared by the government attorney in furtherance of the rendition of such legal advice,” within the meaning of §52-146r(a)(2), G.S.

65. It is therefore concluded that the records identified in paragraph 59, above, constitute communications or records protected by the attorney-client privilege, within the meaning of § 1-210(b)(10), G.S. Accordingly, it is further concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by not disclosing to the complainant the redacted information contained in such records.

Text Messages and Other Correspondence

66. With regard to the complainant’s allegation that the respondents failed to disclose text messages or other correspondence responsive to his request described in paragraph 4(c), above, it is found that the respondents provided no testimony or other evidence with respect to such text messages and correspondence.

67. It is found, however, that the complainant effectively withdrew his complaint as to text messages and other correspondence when he agreed that the only records at issue in this matter were those responsive records that the respondents claimed to be exempt from disclosure, pursuant to §§36a-21 and 1-210(b), G.S.

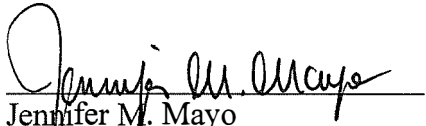
68. Accordingly, the complainant's request for correspondence other than emails, such as text messages, will not be further addressed herein.^{20 21}

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

1. Within 14 days of the Notice of Final Decision in this matter, the respondents shall provide the complainant with unredacted copies of the in camera records, described in paragraph 45 of the findings, above, free of charge.

2. Henceforth, the respondents shall strictly comply with the 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 October 8, 2025.


Jennifer M. Mayo
Acting Clerk of the Commission

²⁰ The Commission notes that there is a significant history, and acrimonious relationship, between the parties to this matter and that the actions and behavior of both the complainant and the respondents' attorney, Assistant Attorney General Langmaid, was at times difficult, disrespectful and, generally, lacking in decorum, and that such actions and behavior served to greatly frustrate and impede the Commission's administrative process. The parties are hereby advised that such actions and behavior will not be tolerated by the Commission.

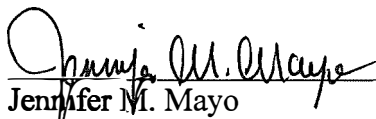
²¹ The Commission notes that, between the complainant and the respondents, the parties to this matter filed over fifteen motions and requests, not counting additional email correspondence. The Commission declines to rule on further motions. The report speaks for itself.

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:

JOHN DIORIO, 350 Old Watertown Road, Middlebury, CT 06762

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF BANKING;
AND STATE OF CONNECTICUT, DEPARTMENT OF BANKING**, c/o Assistant
Attorney General John Langmaid, Office of the Attorney General, 165 Capitol Avenue,
Hartford, CT 06106



Jennifer M. Mayo
Acting Clerk of the Commission