

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

David Fuller,

Complainant

against

Docket # FIC 2024-0687

Stephanie Thomas, Secretary of the State,
State of Connecticut, Office of the Secretary
of the State; and State of Connecticut, Office
of the Secretary of the State,

Respondents

September 25, 2025

The above-captioned matter was heard as a contested case on May 6, 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.).

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 letter dated October 18, 2024 (“October 18, 2024 Request”), the complainant requested that the respondents provide him with copies of the following records concerning notaries public Stephanie Whitmore, Taiesha Terranova, and S. Ikem (“subject notaries”):

[a.] NOTARY PUBLIC REGISTRATION and/or
IDENTIFICATION NUMBERS;

[b.] OFFICIAL CERTIFICATES of AUTHORIZATION from the
ADMINISTRATIVE OFFICE of the SECRETARY OF THE
STATE OF CONNECTICUT to serve as NOTARIES PUBLIC;

[c.] DATES and TIMES of COMMISSION INITIATION and
TERMINATION; and

[d.] ANY AND ALL PREVIOUS COMPLAINTS of OFFICIAL MISCONDUCT during the PERFORMANCE of OFFICIAL DUTIES.

(Emphasis in original.)

3. It is found that the respondents did not acknowledge the complainant's October 18, 2024 Request.

4. By letter of complaint, dated November 11, 2024 and received November 18, 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 the October 18, 2024 Request. The complainant also requested that the Commission impose a civil penalty against the respondents.

Jurisdiction

5. At the hearing in this matter, the complainant testified, and it is found, that he mailed the October 18, 2024 Request on October 18, 2024. The respondents testified, and it is found, that they did not know when they first received the complainant's October 18, 2024 Request.

6. The respondents testified, and it is found, that when FOI requests are sent to the Secretary of State's office via regular mail, a mail handler retrieves the mail from the post office and delivers it to the Secretary of State's office, at which time, staff typically date stamp the mail to identify when such mail was initially received. They further testified, and it is found, that any FOI requests are, thereafter, delivered to the attorney who handles the Secretary of State's FOI requests. In this matter, it is found that the October 18, 2024 Request was delivered to such attorney without a date stamp, so it is unknown when the respondents first received the October 18, 2024 Request.

7. Section 1-206(a), G.S., requires that a request be received by the agency and four business days to have passed before the request may be deemed denied by operation of the statute. *See City of Bridgeport v. Freedom of Infor. Comm'n*, 222 Conn. App. 17, 53-57 (2023) ("*City of Bridgeport*").

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

[a]ny person denied the right to inspect or copy records under 1-210... or denied any other right conferred by the Freedom of Information Act 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....

9. It is found that the complainant's request was properly addressed, as it was ultimately received by the respondents. Additionally, in the absence of evidence to the contrary, the Commission presumes that the complainant's request was delivered within a reasonable amount

of time after October 18, 2024, and that a reasonable time for the complainant's request to be received by the respondents was a couple of days. Therefore, it is concluded that there would have been a constructive denial of the complainant's request prior to November 18, 2025, the date he filed his complaint. *See City of Bridgeport*, 222 Conn. App. at 61. In addition, it is found that the complainant filed his complaint within thirty days after such denial.

10. Based upon the foregoing, it is concluded that the Commission has jurisdiction over this matter.

Search for Records

11. It is found that, at the time that the complainant filed his complaint in this matter, he had not received any records or correspondence from the respondents.

12. 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.

13. 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 (1) inspect such records promptly during regular office or business hours, . . . or (3) receive a copy of such records in accordance with section 1-212.

14. 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.”

15. It is concluded that the records described in the October 18, 2024 Request, 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.

16. At the hearing on this matter, the complainant testified, and it is found, that he did not receive any records responsive to his October 18, 2024 Request. The respondents contended that they conducted a thorough search in all locations where responsive records reasonably might

be located and, in accordance with §1-210(c), G.S.,¹ and the policy of the Department of Correction (“DOC”), the respondents sent copies of all responsive records to the DOC FOI Administrator on November 19, 2024.

17. At the hearing on this matter, the Business Services Division Director (the “Director”), who oversees notary public commissions for the State of Connecticut, testified on behalf of the respondents. The Director testified that the Secretary of State maintains records concerning notary applications and reinstatement applications, renewals, complaints lodged against notaries public, any responses thereto, among other records related to notaries public. However, the Director testified, and it is found, that he did not conduct the search for records responsive to the October 18, 2024 Request and did not know which records were provided to the DOC.

18. At the hearing on this matter, the hearing officer ordered the respondents to submit an affidavit by a competent witness attesting to certain information regarding the search for records and the responsive records that were provided to the complainant. On May 15, 2024, in response to the hearing officer’s order, the respondents submitted an affidavit dated May 6, 2024, of Maura Arnold, Staff Attorney, Business Services Division, Secretary of State (“Arnold Affidavit”) – Respondents’ Exhibit 3 (after-filed).

19. With respect to the requests described in paragraphs 2.a. and 2.c, above, Attorney Arnold averred, and it is found that, on November 19, 2024, she conducted a search of the “eLicense system” maintained by the respondents for the subject notaries, and that the search returned three pages of responsive records that contain the status history of their notary commissions.

20. It is found that the responsive records described in paragraph 19, above, reflect the notary public registration and identification numbers for the subject notaries, responsive to the request described in paragraph 2.a., above.

21. It is also found that the responsive records described in paragraph 19, above, reflect the dates and times of commission initiation and termination (as applicable) for the subject notaries at the time of the request, responsive to the request described in paragraph 2.c., above.

¹ Section 1-210(c), G.S., provides:

[w]henver a public agency receives a request from any person confined in a correctional institution or facility or a Whiting Forensic Hospital facility, for disclosure of any public record under the Freedom of Information Act, the public agency shall promptly notify the Commissioner of Correction or the Commissioner of Mental Health and Addiction Services in the case of a person confined in a Whiting Forensic Hospital facility of such request, in the manner prescribed by the commissioner, 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 subdivision (18) of subsection (b) of this section, the commissioner may withhold such record from such person when the record is delivered to the person's correctional institution or facility or Whiting Forensic Hospital facility.

22. It is found that, by email dated November 19, 2024, in accordance with §1-210(c), G.S., and the policy of the Department of Correction, the respondents sent copies of the records described in paragraph 19, above, to the DOC FOI Administrator.²

23. It is found that the records provided to the DOC FOI Administrator, described in paragraph 19, above, constitute all records maintained by the respondents that are responsive to the complainant's requests described in paragraphs 2.a. and 2.c., above.

24. Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., with respect to the requests described in paragraphs 2.a. and 2.c., above.

25. With respect to the request described in paragraph 2.b., above, the Director testified, and it is found, that the respondents do not maintain official certificates of authorization for individuals to serve as notaries public. Rather, it is found that the respondents provide notary public applicants with a template certificate that the applicant must take to their respective Town Clerk, who administers the applicable oath to the notary public applicant and then the certificate of authorization is executed and becomes official. It is further found that the respondents do not receive a copy of the certificates of authorization after the oath is administered and do not maintain copies of the "official certificates of authorization."

26. It is therefore concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., by failing to provide official certificates of authorization as described in paragraph 2.b., above, since they are not maintained by the respondents.

27. With respect to the request for complaints, described in paragraph 2.d., above, the Director testified, and it is found, that no complaints exist with respect to the subject notaries.

28. Accordingly, it is concluded that the respondents did not violate the FOI Act with respect to the request described in paragraph 2.d., above.


29. Because the respondents did not violate the FOI Act, there is no basis on which to impose a civil penalty against them.

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.

² If the complainant does not receive the records from the DOC, he may submit a request for such records to the DOC and, thereafter, file a complaint with the FOI Commission as discussed in footnote 1, above.

Approved by Order of the Freedom of Information Commission at its regular meeting of September 25, 2025.

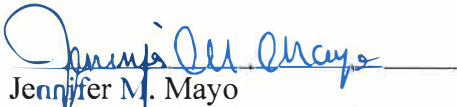

Jennifer M. Mayo
Acting Clerk of the Commission

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:

DAVID C FULLER, #444478, MacDougall-Walker Correctional Institution, 1153 East Street, South, Suffield, CT 06078

STEPHANIE THOMAS, SECRETARY OF THE STATE, STATE OF CONNECTICUT, OFFICE OF THE SECRETARY OF THE STATE; AND STATE OF CONNECTICUT, OFFICE OF THE SECRETARY OF THE STATE, c/o Attorney Maura Arnold, Office of the Secretary of the State, 165 Capitol Ave, Hartford, CT 06106


Jennifer M. Mayo
Acting Clerk of the Commission