

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

John DiIorio,

Complainant

against

Docket #FIC 2025-0834

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

Respondents

August 12, 2026

The above-captioned matter was scheduled to be heard as a contested case on May 11, 2026, at which time the complainant and the respondents appeared.

At the start of the scheduled hearing, the hearing officer informed the parties that it appeared that the Commission should not proceed with a contested case on the complainant's appeal because, at the time the appeal was filed, the respondents had not "denied" the complainant's request within the meaning of §1-206(a), G.S. After entertaining limited legal argument from the parties at the hearing, the hearing officer invited the parties to submit legal briefs on the issue to the Commission by June 1, 2026 and adjourned the hearing.

Following the May 11, 2026 hearing and the parties' submission of legal briefs, the hearing officer, on her own motion, marked the following filings and papers into evidence in this case:

- (1) The Complainant's appeal to the Commission, dated and filed September 18, 2025: Ex. 1;
- (2) The Complainant's request, dated September 17, 2025: Ex. 2;
- (3) The Respondents' acknowledgement, dated September 17, 2025: Ex. 3;
- (4) The Complainant's pre-hearing email, dated November 21, 2025: Ex. 4;

- (5) The Commission's letter to the complainant informing him that his appeal would not be scheduled for a contested case hearing because it had been filed prematurely, pursuant to the provisions of §1-206(a), G.S., dated December 17, 2025: Ex. 5;
- (6) The Complainant's post-hearing email dated May 11, 2026: Ex. 6;
- (7) The Complainant's Brief Supporting the Commission's Jurisdiction, filed May 21, 2026 (with attachments): Ex. 7; and
- (8) The Respondents' Brief on Jurisdiction, filed May 29, 2026: Ex. 8.

After consideration of the record as set forth above, the following facts are found and conclusions of law are reached:

1. It is found that, on September 17, 2025, the complainant made a request for a copy of certain public records from the respondents through their online FOI management system known as GovQA.

2. It is found that, by email dated September 17, 2025, the respondents acknowledged the complainant's request, stating, in relevant part, that:

This message is an acknowledgement that the Department of Banking received your Freedom of Information Act records request on 9/17/2025. It was given the reference number R000069-091725 for tracking purposes.

I serve as the Department's FOI Coordinator. The Department will be analyzing your request and undertaking a search for potentially responsive, non-exempt records. The Department will contact you via email if it has any questions about your request. You may monitor the status of this request on the GovQA portal or by clicking [the included] link. If you have any questions for the Department concerning the request, please send them through the GovQA portal...

3. By letter dated and filed September 18, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI")

Act by failing to provide him with the requested records.

4. 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.

5. 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.”

6. Section 1-206(b)(1), G.S., provides, in relevant part, that;

[a]ny person denied the right to inspect or copy records under 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....

7. Section 1-206(a), G.S., provides that:

[a]ny denial of the right to inspect or copy records provided for under 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....

8. At the hearing and on brief, the complainant represented that when he received the respondents’ September 17, 2025 acknowledgement, his request was noted as “pending” in the respondents’ GovQA system; however, later that same day his request was noted as “Complete” and “Closed - No Further Communication” in the system (the “second notation”). The complainant contended that the second notation was a denial of his request. The complainant further contended that, because the second notation was a denial of his request, he was not required to wait four business days before filing his appeal with this Commission.

9. In response, the respondents contended at the hearing that they never denied the complainant’s request and that the second notation referenced in paragraph 8, above, was simply a notation made by the respondents in the GovQA system when they forwarded the complainant’s request to the Office of the Attorney General for processing.

10. Recently, in *City of Bridgeport v. Freedom of Info. Comm'n*, 222 Conn. App. 17 (2023) (“*City of Bridgeport*”), the Appellate Court revisited the issue of when a person’s right to appeal to the Commission is triggered due to a public agency’s express or constructive denial of a request for a copy of a public record:

The references to a request in §1-206(a) involve an agency’s *response* to a request under that act.... Specifically, the statute provides that a denial ‘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’ and that ‘[f]ailure to comply with a request to so inspect or copy such public record within the applicable number of business days shall be deemed a denial.’...Because an agency can neither deny nor comply with a request it has not received, construing §1-206(a) as requiring that an agency receive a request before the four day period commences is consistent with the statute’s emphasis on the agency’s response, or lack thereof, to a request for public records.

See City of Bridgeport, 222 Conn. App. at 53; *see also Noah Snyder v. Donna Patchen, Assessor, City of Torrington, et al.*, Docket #FIC 2018-0117 (Oct. 24, 2028) (“...§ 1-206(a). G.S., ...simply provides a requester with the ability to file an appeal in the event an agency fails to respond to the request. ***After four business days have elapsed***, if no response is received from an agency, then such non-response is deemed a denial for purposes of triggering the requester’s right to file an appeal without having to wait indefinitely for a response that may never be forthcoming.”) (emphasis added); *citing Burdon M. Weinstein v. Assistant Attorney General, State of Connecticut, Office of the Attorney General, et al.*, Docket #FIC 1999-494 (May 10, 2000); *Valayshia Brookings v. Comm’r, State of Connecticut, Dep’t of Emergency Serv. & Pub. Protection, et al.*, Docket #FIC 2016-0506 (May 24, 2017) (“It is concluded that the failure to deny a request ***within*** four business days simply ***triggers a requester’s right to file a complaint with the Commission***....”) (emphasis added); *Maribella Gonzalez v. Chief, Police Dep’t, City of Bridgeport, et al.*, Docket #FIC 2023-0501 (Aug. 14, 2024) (after determining when the respondents received and acknowledged the complainant’s request, the Commission concluded that, ***because the respondents had not denied the request and because four business days had not elapsed at the time the complainant appealed to the Commission***, the respondents did not violate the FOI Act).

11. In this case, it is found that the complainant’s own filings support the respondents’ contention that they did not deny the complainant’s request within four business days; rather they transferred the request to their attorneys for processing. *See, e.g.* Ex. 4, complainant’s letter to the Commission dated November 21, stating, in relevant part, that:

Good afternoon,

This case has not been docketed, but as I understand it, it is under review for docketing. There have been developments. The respondents made a partial production [of records to me]....The complaint is now narrowed to the information withheld on November 14, 2025....

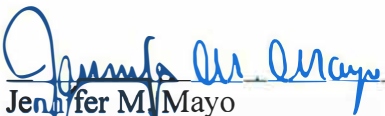
12. The Commission also notes that subsequent to the Commission issuing written notice to the complainant that his appeal would not be scheduled for a contested case hearing because, pursuant to the provisions of §1-206(a), G.S., it had been filed prematurely, and subsequent to the hearing officer's invitation to the parties to file legal briefs on the same legal issue, the complainant renewed his request for the same records with the respondents. *See* Ex. 5, 6.

13. It is concluded that at the time the complainant filed his appeal in this matter (September 18, 2025), the respondents had not denied the complainant's September 17, 2025 request, within the meaning of §1-206(a), G.S.

The following order by the Commission 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 August 12, 2026.


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:

JOHN DIORIO, c/o Attorney Alexa T. Millinger, Hinckley, Allen & Snyder LLP,
20 Church Street, 18th Floor, Hartford, CT 06103

**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