

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Kevin Cleary,

Complainant

against

Docket #FIC 2025-0662

Executive Director, Judicial Review
Council, State of Connecticut, Office of
Governmental Accountability; and Judicial
Review Council, State of Connecticut,
Office of Governmental Accountability,

Respondents

July 8, 2026

On February 18, 2026, the respondents moved to dismiss the complaint in this matter without a hearing, pursuant to §1-206(b)(4), G.S., as described further in paragraph 11, below. The complainant filed an objection to such motion on February 18, 2026. Subsequent to the complainant's objection to the motion to dismiss, on February 18, 2026, the respondents filed a reply brief.

This matter was reviewed and decided pursuant to §1-206(b)(4), G.S. After consideration of the entire record, the Commission hereby grants the respondents' motion to dismiss for the following reasons:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. Section 1-206(b)(4), G.S., provides that:

[n]otwithstanding any provision of this subsection, in the case of an appeal to the commission of a denial by a public agency, the commission may, upon motion of such agency, confirm the action of the agency and dismiss the appeal without a hearing if it finds, after examining the notice of appeal and construing all allegations most favorably to the appellant, that (A) the agency has not violated the Freedom of Information Act, or (B) the agency has committed a technical violation of the Freedom of Information Act that constitutes a harmless error that does not infringe the appellant's rights under said act.

(Emphasis added.)

3. By email dated July 21, 2025, the complainant requested that the respondents provide him with the following:

- a. All emails, memoranda, notes, and meeting records referencing his complaints against Judges Heidi Winslow and Barbara Quinn;
- b. All documents evaluating or interpreting C.G.S. §51-51l(a) in connection with either of his complaints against Judges Heidi Winslow and Barbara Quinn;
- c. All communications authored or received by the respondents, or any respondent staff members, referencing the complainant's name, docket FA14-4018676-S, or related to the respondents' handling of these complaints; and
- d. All records relating to jurisdictional determinations or procedural outcomes from 2023 to July 21, 2025, regarding retired judges.

The complainant further requested that he be provided with both written and electronic documents, as well as communications with other agencies, legal counsel, or members of the judiciary relating to these items.

4. The respondents acknowledged the complainant's request on July 21, 2025, and informed him that such request was denied because it did not meet the requirements for disclosure under §51-51l, G.S.

5. By complaint filed July 28, 2025, the complainant appealed to this Commission, alleging the respondents violated the Freedom of Information ("FOI") Act by denying his July 21, 2025 request.

6. 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.

7. 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.

8. 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.”

9. It is concluded that the requested records, to the extent such records exist, are public records within the meaning of §§1-210 and 1-212(a), G.S., and must be provided to the complainant in accordance with §1-212(a), G.S., unless they are exempt from disclosure.

10. The notice of appeal in this matter informs the Commission that the complainant filed complaints with the respondent Judicial Review Council against Superior Court judges Heidi Winslow and Barbara Quinn.

11. The respondents contended in their Motion to Dismiss that the requested records are confidential pursuant to §51-51l(a), G.S., and therefore, such records are not subject to disclosure under the FOI Act.

12. Section 51-51l, G.S., provides in relevant part that:

(a) Except as provided in subsection (d) of this section, the Judicial Review Council shall investigate every written complaint brought before it alleging conduct under section 51-51i, and may initiate an investigation of any judge, administrative law judge or family support magistrate if (1) the council has reason to believe conduct under section 51-51i has occurred or (2) previous complaints indicate a pattern of behavior which would lead to a reasonable belief that conduct under section 51-51i has occurred. The council shall, not later than five days after such initiation of an investigation or receipt of such complaint, notify by registered or certified mail any judge, administrative law judge or family support magistrate under investigation or against whom such complaint is filed. A copy of any such complaint shall accompany such notice. The council shall also notify the complainant of its receipt of such complaint not later than five days thereafter. Any investigation to determine whether or not there is probable cause that conduct under section 51-51i has occurred shall be confidential and any individual called by the council for the purpose of providing information shall not disclose his knowledge of such investigation to a third party prior to the decision of the council on whether probable cause exists, unless the respondent requests that such investigation and disclosure be open, provided information known or obtained independently of any such investigation shall not be confidential...

(c) If a preliminary investigation indicates that probable cause exists that the judge, administrative law judge or family support magistrate is guilty of conduct under section 51-51i, the council shall hold a hearing concerning the conduct or complaint. All hearings held pursuant to this subsection shall be open. A judge, an administrative law judge or a family support magistrate appearing before such a hearing shall be entitled to counsel, to present evidence and to cross-examine witnesses. The council shall make a record of all proceedings pursuant to this subsection. The council shall not later than thirty days after the close of such hearing publish its findings together with a memorandum of its reasons therefor.

(d) No complaint against a judge, an administrative law judge or a family support magistrate alleging conduct under section 51-51i shall be brought under this section but within one year from the date the alleged conduct occurred or was discovered or in the exercise of reasonable care should have been discovered, except that no such complaint may be brought more than three years from the date the alleged conduct occurred...

(Emphasis added.)

13. The respondent Judicial Review Council is empowered to initiate a “preliminary investigation” to determine whether there is “probable cause” that a judge is guilty of misconduct. Such preliminary investigation is confidential, including all records of the respondent Judicial Review Council related to any filed complaints, unless there is a determination that there is probable cause that misconduct occurred. See Peruta v. Freedom of Info. Comm’n, No. HHB-CV13-5015745-S, 2013 WL 6439604, at *6 (Conn. Super. Ct. Nov. 7, 2013), aff’d, 157 Conn. App. 684 (2015) (“Records of complaints filed against judges with the Judicial Review Council are confidential unless and until the Judicial Review Council determines whether there is probable cause to believe the judge engaged in misconduct. See General Statutes § 51–51i. If no probable cause is found, the records may not be disclosed; if probable cause is found, then the records of the proceeding are public.”).

14. The Commission has previously dismissed complaints filed against the respondent Judicial Review Council without a hearing pursuant to §1-206(b)(4), G.S. For example, in Richard Quint v. Director, State of Connecticut, Judicial Review Council, et al., Docket #FIC 2023-0168 (March 13, 2024), the complainant requested the minutes of a Judicial Review Council hearing pertaining to the complainant’s complaints against two judges. In dismissing the matter, the Commission noted that, in the complaint, the complainant “does not indicate that there were findings of probable cause pursuant to §51-51i(c), G.S., against either judge, who is the subject of the complainant’s request,” which led the Commission to conclude that the requested records were records of a preliminary investigation that are required to be kept confidential pursuant to §51-51i(a), G.S.

15. Likewise, in K. Joy Banach v. Executive Director, State of Connecticut, Judicial Review Council, Docket #FIC 2003-126 (December 10, 2003), the complainant requested from the Judicial Review Council all records related to a complaint she had filed with it against a judge, including a copy of the judge's response to her complaint, telephone logs of communications between the judge and the Judicial Review Council, and "minutes or comments of the council related to the...complaint against the judge." The Commission dismissed the complaint without a hearing, concluding that the requested records were exempt from disclosure pursuant to §51-51l(a), G.S. See also Ronald Prisley v. Executive Director, State of Connecticut, Judicial Review Council; and State of Connecticut, Judicial Review Council, Docket #FIC 2013-347 (April 9, 2014) (Dismissal, without a hearing, of an appeal from a denial of a request for copies of any and all information on the conflict of interest complaint the complainant had filed against a named judge); and Kimberly Lazzari and Anthony Lazzari v. State of Connecticut, Judicial Review Council, Docket #FIC 2006-434 (January 24, 2007) (Dismissal without a hearing, of an appeal from a denial of a request for "full disclosure of records, documents, information, responses from judges, and all papers associated with [the complaints filed against the named judges]," concluding that the requested records were exempt from disclosure pursuant to §51-51l(a), G.S.).¹

16. It is apparent from the notice of appeal that the complainant is seeking records related to the respondent Judicial Review Council's receipt and consideration of complaints against judges. With regard to the requests contained in paragraphs 3.a. through 3.c., above, as in Quint, the complaint does not indicate that there were findings of probable cause pursuant to §51-51l(c), G.S., against either of the judges that are the subject of the complainant's requests, and therefore, such requests are not seeking records that fall outside of the confidentiality provision of §51-51l(a), G.S.

17. With regard to the request contained in paragraph 3.d., above, the regulations governing the investigative process under §51-51l, G.S., provide: "[i]n its investigation [pursuant to § 51-51l, G.S.], the Council shall review the complaint, including any attachments, the respondent's reply, if any, and any other evidence before it, and determine (1) whether it alleges conduct under section 51-51i of the General Statutes by a judge, compensation commissioner, or family support magistrate as defined in section 51-51h of the General Statutes, (2) whether such complaint has been brought within the time limited by section 51-51l(d) of the General Statutes, and (3) whether it alleges conduct under section 51-51i of the General Statutes and whether any evidence exists that such conduct has occurred." (Emphasis added.) See Conn. Agencies Regs. §51-51k-7(a).

18. The regulations further provide that "[i]f the Council determines that the complaint does not allege conduct subject to section 51-51i of the General Statutes, that such conduct does

¹ See additionally Edward Tuccio v. Director, State of Connecticut, Judicial Review Council; and State of Connecticut, Judicial Review Council, Docket #FIC 2012-227 (September 12, 2012) (after holding a hearing, the Commission dismissed the appeal from the denial of a request for "all answers and any and all information provided to the Board of Judicial Review" in response to a complaint dated March 6, 2012 by four named judges concluding that the records were exempt from disclosure pursuant to §51-51l(a), G.S.); and Pasquale A. DiFazio, Edith A. DiFazio and Paul T. DiFazio v. Executive Director, Judicial Review Council of the State of Connecticut and Judicial Review Council of the State of Connecticut, Docket #FIC 1989-115 (March 14, 1990) (after holding a hearing, the Commission concluded that records related to the findings of an audiotape examiner presented to the Judicial Review Council during a hearing concerning a judge were exempt from disclosure pursuant to §51-51l(a), G.S.).

not involve a judge, compensation commissioner, or family support magistrate as defined in section 51-51h of the General Statutes, or that such complaint was not brought within the time limited, or that insufficient evidence exists showing that said conduct occurred, it shall dismiss the complaint without further investigation and give notice to the complainant and respondent of such action.” (Emphasis added.) See Conn. Agencies Regs. §51-51k-7(d).

19. The Commission notes that the respondent Judicial Review Council is explicitly directed, as part of its preliminary investigations, to make certain jurisdictional determinations. See Conn. Agencies Regs. §§51-51k-7(a)(1) and (2). The Commission notes further that in making such determinations and upon a finding that certain jurisdictional requirements are not met, the respondent Judicial Review Council is required to “dismiss the complaint without further investigation”. See Conn. Agencies Regs. §51-51k-7(d). The Commission concludes, therefore, that jurisdictional determinations or procedural determinations related thereto fall within the scope of a “preliminary investigation” under §51-51l(a), G.S., and further, that the phrase “without further investigation”, as used in §51-51k-7(d), indicates that jurisdictional determinations or procedural determinations related thereto are included in the preliminary investigation under §51-51l(a), G.S.

20. Accordingly, the Commission concludes that the respondent Judicial Review Council’s jurisdictional determinations and procedural outcomes related thereto also fall within any preliminary investigation under §51-51l(a), G.S., and that the records relating to such preliminary investigation are confidential under §51-51l(a), G.S., unless there is a determination that there is probable cause that misconduct occurred. However, the complaint does not indicate that there were findings of probable cause pursuant to §51-51l(c), G.S., against any of the unnamed retired judges described in paragraph 3.d. of the complainant’s request.

21. It is therefore concluded that all of the requested records described in paragraph 3, above, to the extent they exist, are records that are required to be kept confidential pursuant to §51-51l(a), G.S.

22. Therefore, after consideration of the notice of appeal and pleadings in this matter, and construing all allegations most favorably to the complainant, the respondents’ actions are confirmed. It is concluded that §51-51l, G.S., exempts from disclosure the records requested by the complainant in this matter.

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 without a hearing pursuant to §1-206(b)(4), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 8, 2026.

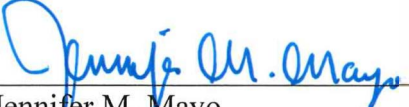

Jennifer M. Mayo
Acting Clerk of the Commission

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:

KEVIN CLEARY, 22 Indian Hill Lane, Sandy Hook, CT 06482

EXECUTIVE DIRECTOR, JUDICIAL REVIEW COUNCIL, STATE OF CONNECTICUT, OFFICE OF GOVERNMENTAL ACCOUNTABILITY; AND JUDICIAL REVIEW COUNCIL, STATE OF CONNECTICUT, OFFICE OF GOVERNMENTAL ACCOUNTABILITY, 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