

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Kennith Roger,

Complainant

against

Docket #FIC 2025-0554

Commissioner, State of Connecticut,
Department of Revenue Services; and
State of Connecticut, Department of
Revenue Services,

Respondents

June 24, 2026

The above-captioned matter was heard as a contested case on April 16, 2026, 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* Docket No. CV 03-0826293, Anthony Sinchak v. FOIC, 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 typed letter dated June 1, 2025, the complainant requested several categories of records from the respondents.
3. It is found that because the complainant was incarcerated, he needed to send his request to the respondents via regular mail. The complainant testified, and it is found, that he placed his request described in paragraph 2, above, in the general outgoing mailbox available to inmates at the facility where he is incarcerated.
4. By complaint received and filed on June 30, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to respond to his request described in paragraph 2, above.

5. At the April 16, 2026 hearing on this matter, the respondents testified that they had not received the complainant's request described in paragraph 2, above, until they received the Commission's January 9, 2026 notice of the complaint.

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

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. . . .***

(Emphasis added).

7. In City of Bridgeport v. Freedom of Info. Comm'n, 222 Conn. App. 17, 53-55 (2023), the Appellate Court held that "[b]ecause 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." Moreover, with respect to physical mail, the Court noted that "the mailing of a properly addressed letter creates a presumption of timely notice unless contrary evidence is presented." Id., at 55, citing Daniels v. Statewide Grievance Committee, 72 Conn. App. 203, 211 (2002). Accordingly, "an individual is entitled to presume that a properly addressed request for records sent by mail will be received within a few days after it is mailed, and, in the absence of evidence to the contrary, the [C]ommission may presume the same." Id., at 55-56.

8. The complainant testified that he sent his request described in paragraph 2, above, to the respondents' proper address at 450 Columbus Boulevard, Hartford, CT 06103. It is found that while such address is the respondents' correct address, the complainant did not provide documentary evidence demonstrating that his request, *as sent*, was properly addressed.¹ It is further found that the complainant had previously sent requests to the respondents using the 450 Columbus Boulevard address, and the respondents had received such request.

9. It is found that all physical mail received by the respondents (including requests for records submitted through the regular mail) is processed in accordance with their "Standard Operating Procedure Governing Daily Mail Activity" ("SOP").² It is found that as part of their SOP, the respondents' mailroom staff will make three trips a day to the United States Postal Service Office where they retrieve mail. Once such mail is retrieved and brought back to the respondents' main office, it is opened, sorted, and delivered to the appropriate office either by scanning the mail and sending it digitally, or hand delivering the physical mail. It is found that

¹ As the complainant sent his request via regular mail he was unable to provide a return receipt. Additionally, the complainant did not have a copy of the envelope in which he sent his request showing the respondents address.

² In accordance with the hearing officer's order at the April 16, 2026 hearing in this matter, the respondents' submitted an Affidavit of Christopher Zordan dated April 28, 2026, which shall be marked and admitted as Respondents' Exhibit 3 (after-filed).

records requests received by the respondents through regular mail are hand delivered to the respondent Commissioner's office.

10. It is found that, although not formalized until October 2025, the SOP described in paragraph 9, above, was in place and used by the respondents in June 2025.

11. The respondents further testified and, it is found, that all requests for records, regardless of the manner in which they are received, are entered into the respondents' database for processing. It is found that until receiving the Commission's Notice of Complaint dated January 9, 2026, the respondents did not have any record of the complainant's request described in paragraph 2, above, in their database.

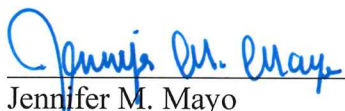
12. Based on the credible testimony of the respondents concerning their mail-processing procedures and records-management practices, and in the absence of documentary evidence that the complainant's request described in paragraph 2, above, was properly addressed, it is found that the respondents presented sufficient evidence to rebut any presumption that they received the complainant's request described in paragraph 2, above. It is found, therefore, that the respondents did not receive the complainant's request described in paragraph 2, above, until they received the Commission's Notice of Complaint dated January 9, 2026.

13. Accordingly, it is concluded that because the respondents had not received the complainant's request prior to the filing of the complaint, the respondents had not denied any right afforded by the FOI Act and therefore did not violate the FOI Act as alleged in the complaint 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.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 24, 2026.



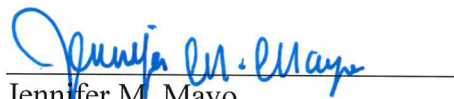
Jennifer M. Mayo
Acting Clerk of the Commission

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:

KENNITH ROGER, #360194, Osborn Correctional Institution, 335 Bilton Road, PO Box 100, Somers, CT 06071

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF REVENUE SERVICES; AND STATE OF CONNECTICUT, DEPARTMENT OF REVENUE SERVICES, c/o Attorney Louis P. Bucari, Department of Revenue Services, 450 Columbus Blvd. 11th Floor, Hartford, CT 06103



Jennifer M. Mayo
Acting Clerk of the Commission