

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

John DiIorio,

Complainant

against

Docket # FIC 2025-0654

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

Respondents

June 24, 2026

The above-captioned matter was heard as a contested case on February 19, 2026, and April 9, 2026, at which times the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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.

Prior Matter, Docket #FIC 2024-0467

2. It is found that the complainant and the respondents in this matter were parties to a prior contested case before the Commission in the matter of Docket #FIC 2024-0467, *John DiIorio v. Commissioner, State of Connecticut, Dep't of Banking et al.* (July 23, 2025) (“#FIC 2024-0467”). The Commission takes administrative notice of the record and Final Decision in #FIC 2024-0467.

3. In #FIC 2024-0467, the undersigned hearing officer found that the complainant, by email dated April 12, 2024, had requested certain records from the respondents and, by facsimile dated and filed August 9, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide him with such requested records.

4. In #FIC 2024-0467, the hearing officer issued a Report of Hearing Officer dated July 8, 2025 (“#FIC 2024-0467 Report of Hearing Officer”).

5. Paragraphs 79 through 81 of the #FIC 2024-0467 Report of Hearing Officer provided as follows:

79. The respondents ... claimed on the Index to the Second in

Camera Submission that IC-2024-0467-II.A.-327 to IC-2024-0467-II.A.-422; and IC-2024-0467-II.A.-748 are exempt from disclosure pursuant to §36a-21(a)(3)(A), G.S.

80. Section 36a-21(a)(3)(A), G.S., 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 (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: ... (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: (A) Investigative information the disclosure of which would be prejudicial to such investigation, *until such time as the investigation and all related administrative and legal actions are concluded....*

[Emphasis added]

81. After careful examination of the in camera records, it is found that IC-2024-0467-II.A.-327 to IC-2024-0467-II.A.-422; and IC-2024-0467-II.A.-748¹ are records of the Connecticut Department of Banking and that such records constitute investigative information obtained in connection with an investigation, the disclosure of which would be prejudicial to such investigation, within the meaning of §36a-21(a)(3)(A), G.S. It is further found that, at the time of the April 12, 2024 request, the investigation and all related administrative and legal actions related to such records had not been concluded.

6. It is found that the Commission adopted the findings described in paragraph 5, above, in its final decision in #FIC 2024-0467 dated July 23, 2025 and did not order disclosure of IC-2024-0467-II.A.-327 to IC-2024-0467-II.A.-422; and IC-2024-0467-II.A.-748.

¹ IC-2024-0467-II.A.-327 to IC-2024-0467-II.A.-422; and IC-2024-0467-II.A.-748 identified certain records that the respondents submitted to the Commission for in camera review in #FIC 2024-0467.

Present Matter, Docket #FIC 2025-0654

7. It is found that, on July 10, 2025, the complainant emailed the respondents stating as follows:

Starting at number 79 and ending at 81, the [#FIC 2024-0467 Report of Hearing Officer] identifies several records held under 36a-21(a)(3)(A).

The [#FIC 2024-0467 Report of Hearing Officer] at 81 specifically finds records that would be prejudicial to litigation, which had not completed as of 4/12/24 (original request date). But all related litigation is now complete, as you are aware.

8. It is found that in the same July 10, 2025 email, described in paragraph 7, above, the complainant requested that the respondents provide him with a copy of “all records identified at [paragraph] 81 of the [#FIC 2024-0467 Report of Hearing Officer] (“July 10, 2025 request”).

9. It is found that the July 10, 2025 request specifically sought copies of the #FIC 2024-0467 in camera records identified as IC-2024-0467-II.A.-327 to IC-2024-0467-II.A.-422; and IC-2024-0467-II.A.-748, as described in paragraph 5, above.

10. It is found that, by letter dated July 14, 2025, the respondents denied the complainant’s July 10, 2025 request, stating, in relevant part, that: “[t]he records requested are confidential under state banking law, §36a-21, CGS, and thus exempt from the FOI Act’s public inspection and copy provisions, §1-210(a).”

11. By email dated and filed July 24, 2025, the complainant appealed to this Commission, alleging that the respondents violated the FOI Act by failing to provide him with a copy of the specific records sought in the July 10, 2025 request, referenced in paragraphs 5 and 8, above.

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

16. It is found that, on August 4, 2025, the complainant emailed the respondents stating as follows:

I made an FOI request, to the Banking Department, for the Records found at number 81 of the attached Final Decision, in FIC # 2024[-] 0467.

You responded the records were exempt under 36a-21[, G.S.] which of course, in light of this final decision, is ridiculous.

I have filed a complaint with the FOIC.

Please produced [sic.] all these records, so I can withdraw the complaint, and save everyone the time.

17. It is found that, on August 4, 2025, the respondents responded to the complainant’s August 4, 2025 email, described in paragraph 16, above, as follows:

This letter is an acknowledgement of your email request (copy enclosed), dated August 4, 2025, requesting copies of certain Department of Banking records.

Your request is denied. The records requested are confidential under state banking law, §36a-21, CGS, and thus exempt from the FOI Act’s public inspection and copy provisions, § 1-210(a) [, G.S].

18. It is found that the record identified as IC-2024-0467-11.A.-748 ("Record 1") is an email from a staff member of the respondent Department of Banking that included information regarding a consumer complaint against an entity that had been licensed by the respondent department, as well as the licensee’s response.²

² As set forth below, Record 1 was ultimately provided to the complainant; therefore, its contents have been made public. However, the complainant, after receipt of such record argued that it was a confidential banking record that should *not* have been disclosed. Nonetheless, the complainant withdrew his claims concerning Record 1, as described in paragraph 22, below. Moreover, the Commission lacks jurisdiction over the issue of whether Record 1 should *not* have been disclosed.

19. It is found that the record identified as IC-2024-0467-11.A.-327 to IC-2024-0467-11.A.-422 ("Record 2") consists of a cover email among staff members of the respondent department with an attached court reporter's transcript of an examination under oath taken as part of an investigation by the respondent department, which investigation ultimately resulted in an enforcement action against 1st Alliance Lending, LLC and subsequent administrative hearings and court appeals related thereto (together the "1st Alliance Lending Administrative Actions").³

20. It is found that, despite the respondents' initial claim that Record 1 and Record 2 were confidential banking records pursuant to §36a-21, G.S., the respondents provided Record 1 to the complainant on November 14, 2025. In addition, it is found that the respondents provided the cover email contained in Record 2 ("Record 2 Cover Email") to the complainant on November 18, 2025 and, on February 13, 2026, the respondents provided the complainant with the attached transcript contained in Record 2 ("Record 2 Transcript").

21. At the hearings on this matter and on brief, the complainant contended that, at the time of his July 10, 2025 request, all investigations and all related administrative and legal actions related to Record 1 and Record 2 had been concluded and therefore such records were no longer confidential banking records pursuant to §36a-21(a)(3)(A), G.S. The complainant also argued that the Record 2 Transcript was not a confidential banking record pursuant to §36a-21(e), G.S., because it was made publicly available during an administrative appeal to the Connecticut Superior Court.⁴ Accordingly, the complainant contended that the respondents failed to provide him with such records promptly.

22. Near the end of the second hearing on this matter and in his post-hearing brief, the complainant withdrew his complaint concerning Record 1. Therefore, the issue of whether the respondents promptly provided Record 1 to the complainant is not addressed further herein.

23. At the hearings on this matter and on brief, the respondents contended that they initially properly denied the July 10, 2025 request pursuant to §§36a-21(a)(3)(A) and 36a-21(a)(3)(C), G.S.⁵ They further contended that they later disclosed the Record 2 Cover Email

³ As set forth below, Record 2 was ultimately provided to the complainant and has been made public.

⁴ 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."

⁵ Section 36a-21(a)(3)(C), G.S., provides in relevant part as follows:

(a) Notwithstanding any provision of state law and except as provided in subsections (b) and (d) of this section and subdivision (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: ... (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: ... (C) information that would harm the reputation of any person or affect the safety and

upon reviewing the Commission's decision in *DiIorio v. Commissioner, State of Connecticut, Dep't of Banking; et al.*, Docket #FIC 2024-0619 (October 8, 2025) ("#FIC 2024-0619"), which, in their mind, concluded for the first time that emails stripped of confidential attachments were not themselves confidential. The respondents also claimed that they provided the complainant with the Record 2 Transcript once the respondent's staff attorney handling the July 10, 2025 request learned that the Record 2 Transcript had been previously made publicly available during the course of the 1st Alliance Lending Administrative Actions (see paragraph 19, above). The respondents argued that they, thus, complied with the promptness requirements of §§1-210(a) and 1-212(a), G.S.

24. In Advisory Opinion #51, *In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk* (Jan. 11, 1982) ("Advisory Opinion #51"), the Commission advised that the word "promptly," as used in §1-210(a), G.S., means quickly and without undue delay, taking into consideration all of the factors presented by a particular request.

25. Advisory Opinion #51 goes on to describe some of the factors that should be considered in weighing a request for records against other priorities: the volume of records requested; the time and personnel required to comply with a request; the time by which the person requesting records needs them; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without the loss of the personnel time involved in complying with the request.

26. A staff attorney (the "Staff Attorney") for the respondent Department of Banking appeared at the hearings on this matter and testified on behalf of the respondents. It is found that the Staff Attorney has been employed by the respondent department since 2015, and that she assumed the role of the FOI Act Coordinator on February 21, 2025, which included responding to FOI Act records requests submitted to the respondent department. It is further found that, in addition to her duties as the FOI Act Coordinator, the Staff Attorney also serves as a hearing officer, a rental security deposit enforcement attorney, and a back-up ethics liaison. In addition, it is found that the Staff Attorney maintained a caseload from her previous position as an enforcement attorney for the respondent department's Securities and Business Investments Division. It is also found that the Staff Attorney had not been involved in the 1st Alliance Lending Administrative Actions.

27. It is found that, upon receipt of the July 10, 2025 request, the Staff Attorney reviewed the records at issue in #FIC 2024-0467, including Record 2. It is further found that the Record 2 Transcript was attached to the Record 2 Cover Email and that the respondents initially considered both to be part of a single banking record that was confidential pursuant to §36a-21, G.S.

28. With respect to the Record 2 Cover Email, it is found that the Staff Attorney, on November 18, 2025, reviewed the Commission's decision in #FIC 2024-0619, which concluded

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

that, where the only support for the respondents' contention that responsive emails are exempt from disclosure is that they include confidential attachments, the respondents had failed to prove that the responsive emails themselves were exempt from disclosure pursuant to §36a-21, G.S. It is found that, on November 18, 2025, the respondents provided the complainant with the Record 2 Cover Email with the deponent's name redacted.

29. With respect to the respondents' contention that, in #FIC 2024-0619, the Commission "concluded, for the first time in decades of FOI Litigation in reference to §36a-21, G.S., that cover emails stripped of confidential attachments were not themselves confidential," the respondents have provided no legal precedent to support such claim. It is the respondents' burden to prove that every record, and any portion thereof, is exempt from disclosure. *Dir., Dep't of Info. Tech. of Town of Greenwich v. Freedom of Info. Comm'n*, 274 Conn. 179, 194 (2005); *Rocque v. Freedom of Info. Comm'n*, 255 Conn. 651, 666-68 (2001).

30. Notwithstanding the foregoing, the Commission acknowledges that the respondents, ultimately, complied in this matter with the Commission's direction set forth in #FIC 2024-0619, as of November 18, 2025.

31. With respect to the Record 2 Transcript, the Staff Attorney testified, and it is found, that in July 2025, she asked the attorneys who represented the respondents in the 1st Alliance Lending Administrative Actions if they had entered the Record 2 Transcript as an exhibit at the public administrative hearings in the 1st Alliance Lending Administrative Actions and they said they had not.

32. It is found that, in preparation for the February 19, 2026 hearing on this matter, the Staff Attorney again contacted the attorneys who represented the respondent department in the 1st Alliance Lending Administrative Actions, and inquired whether the complainant ever received a copy of the Record 2 Transcript during the course of such administrative action. It is found that the Staff Attorney determined that such transcript had been provided to the complainant in 2019, as a part of a proposed exhibit exchange prior to the hearings in the 1st Alliance Lending Administrative Actions, but it had been marked confidential pursuant to a stipulated protective order executed in April, 2019.

33. It is found that, through continued research, the Staff Attorney determined, and it is found, that the Record 2 Transcript was entered as an exhibit during the 1st Alliance Lending Administrative Actions, but was marked as confidential. It is found that the Staff Attorney also reviewed the Appellate Court Case for *1st Alliance Lending, LLC v. Dep't of Banking et al.*, Docket Number AC 46493 and, it is found that, based on her review of that case and her reading of the court's sealing orders, she believed the Record 2 Transcript remained under seal and was not publicly available.

34. It is found that, on February 13, 2026, during her final preparation for the February 19, 2026 hearing on this matter, the Staff Attorney discovered that the Record 2 Transcript, in fact, did not remain under seal throughout the entire legal process for the 1st Alliance Lending Administrative Actions, but rather was filed with the Connecticut Superior Court as part of the public record in *1st Alliance Lending, LLC v. State of Connecticut Department of Banking et al.*, Docket Number HHB-CV21-6066325-S ("HHB-CV21-6066325-S") and was publicly available

on the Connecticut Judicial Branch's website.

35. The Commission takes administrative notice of the public filings in HHB-CV21-6066325-S and the respective administrative record publicly available on the Judicial Branch's website. Based upon review of the publicly available Superior Court case lookup page for HHB-CV21-6066325-S, it is found that the Record 2 Transcript was filed with the Superior Court and made public on, and thus was not confidential as of, July 29, 2022.

36. Thus, despite the respondents' initial belief that the Record 2 Transcript was confidential, as described in paragraphs 23, and 31 to 33, above, it is found that, at the time of the July 10, 2025 request, the Record 2 Transcript was publicly available on the Connecticut Judicial Branch's website and filed with the Connecticut Superior Court as part of the public record in HHB-CV21-6066325-S. Therefore, it is found that, as of the date of the July 10, 2025 request, the Record 2 Transcript was not a confidential record.

37. As conceded in the respondents' brief and at the second hearing on this matter, it is found that the Staff Attorney determined, on February 13, 2026, that "no §36a-21, [G.S.] confidentiality applied to administrative hearing public records...."⁶

38. It is found that, once the Staff Attorney discovered, on February 13, 2026, that the Record 2 Transcript was publicly available, she determined that it was not confidential and the respondents provided it to the complainant the same day.

39. It is found that the time required to search and locate Record 2 was relatively minimal in this case, as such record had been previously located and submitted to the Commission for in camera review in #FIC 2024-0467 and the Staff Attorney testified, and it is found, that she had first reviewed it in early July, 2025.

40. However, the Commission takes administrative notice of paragraph 92 and other findings in #FIC 2024-0467, which detail the lengthy and protracted litigation involved in the 1st Alliance Lending Administrative Actions,⁷ and notes that the complainant has filed numerous

⁶ Given the respondents' ultimate concession that §36a-21, G.S., does not apply to the Record 2 Transcript because it was made public during the 1st Alliance Lending Administrative Actions, the Commission need not determine whether §36a-21(e), G.S., applies to the Record 2 Transcript.

⁷ See paragraph 92 of the #FIC 2024-0467 Final Decision, which identifies the following as part of the 1st Alliance Lending Administrative Actions:

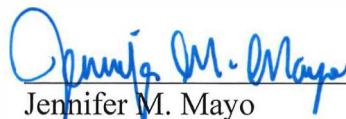
1st Alliance Lending LLC v. State of Connecticut Department of Banking, HHB-CV21-6066325-S ("HHB-CV21-6066325-S") and the respective administrative record publicly available on the Judicial Branch's website. The Commission also takes administrative notice of the following: *In the matter of: Alliance 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

complaints with the Commission against the respondents, some of which remained pending during the pendency of the present matter.

41. It is found that the disclosure of the Record 2 Transcript was not prompt because it was not a confidential banking record as early as July 29, 2022, which the respondent commissioner and department should have known because they were parties to HHB-CV21-6066325-S. However, the Commission recognizes the work of the respondents' Staff Attorney in this matter; that responding to the request required various rounds of research necessitated by the lengthy and protracted litigation, which included protective orders concerning numerous records; and that the Staff Attorney provided the Record 2 Transcript to the complainant once she realized it had previously been made public. It is, therefore, concluded that the respondents committed a technical violation of the FOI Act under the facts and circumstances of this case.

On the basis of the record concerning the above-captioned complaint, no order is recommended by the Commission.

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

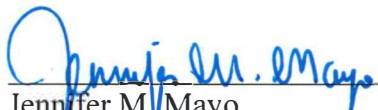
1st Alliance Lending LLC's mortgage lending license due to its failure to maintain a surety bond); *1st Alliance Lending LLC v. Dept. of Banking* HHB-CV-21-6066325, Memorandum of Decision, (Conn. Sup. Ct. April 19, 2023) (upholding DOB's decision to revoke 1st Alliance's license to do business in this 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).

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 DIHORO, 350 Old Watertown Road, Middlebury, CT 06762

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


Jennifer M. Mayo
Acting Clerk of the Commission