



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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John Kaminski,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-074

Commissioner, State of Connecticut, Department of
Social Services; and State of Connecticut,
Department of Social Services,
Respondent(s)

December 1, 2015

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, December 16, 2015**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE December 8, 2015**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE December 8, 2015**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE December 8, 2015**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: John Kaminiski
Attorney Tanya Feliciano DeMattia

2015-12-01/FIC# 2015-074/Trans/wrbp/LFS/VDH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

John Kaminski,

Complainant

against

Docket #FIC 2015-074

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

Respondents

December 1, 2015

The above-captioned matter was scheduled to be heard as a contested case on November 24, 2015, at which times 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 Docket No. CV 03-0826293, Anthony Sinchak v. FOIC et al, 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 on January 6, 2015, the complainant requested records from the respondents concerning a proposed contract referenced in a Memorandum of Understanding between the Department of Correction and the University of Connecticut Health Center for the provision of health services to inmate patients. It is found that the proposed contract would be between an Administrative Services Organization and the respondents for the management of Connecticut's inmate Medicaid population.
3. By letter of complaint filed January 30, 2015, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to provide the copies he requested.
4. Section 1-200(5), G.S., defines "public records" as follows:

Public 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, ...whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

5. Section 1-210(a), G.S., provides, in relevant part:

Except 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 ... receive a copy of such records in accordance with the provisions of section 1-212.

6. Section 1-212(a), G.S., provides in relevant part: "Any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

7. It is concluded that to the extent the records requested by the complainant exist, they are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

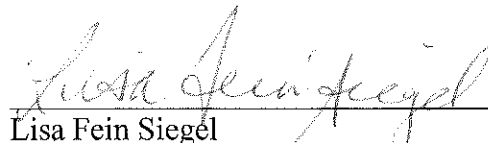
8. It is found that the respondents conducted two diligent searches for responsive records, one promptly upon receipt of the complainant's request in January 2015, and the other in preparation for the hearing in this matter.

9. It is found that the respondents do not maintain records of the contract sought by the complainant. At the hearing in this matter, the respondents' witness surmised that the respondents never actually entered an agreement with an Administrative Services Organization for the management of Connecticut's inmate Medicaid population; and surmised further, therefore, that such contract does not exist.

10. It is concluded, therefore, that the respondents did not violate §§1-210(a) and 1-212(a), G.S., as alleged.

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.



Lisa Fein Siegel
as Hearing Officer