

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Seth Wolfe,

Complainant

against

Docket #FIC 2017-0484

Commissioner, State of Connecticut,
Department of Public Health; and
State of Connecticut, Department of
Public Health,

Respondents

February 14, 2018

The above-captioned matter was scheduled to be heard as a contested case on October 23, 2017 at 11:00 AM, at which time the respondents appeared with their counsel, but the complainant did not appear to prosecute the case.

The hearing officer notes that Assistant Attorney General Walter Menjivar, counsel for the respondents, appeared at the hearing with his witness, Maura Downes, Director of Communications for the respondents. Attorney Menjivar represented that, prior to the hearing, he had spent considerable time examining the file, reviewing the disclosure and preparing his witness for the hearing. In addition, Ms. Downes testified that she received the complainant's request on July 21, 2017, acknowledged the request on the same day, and emailed the complainant 168 pages of responsive records, free of charge, on July 25, 2017.

The Commission's record in this case indicates that, on October 12, 2017, the United States Postal System ("USPS") left a notice at the complainant's address, which notice indicated that an attempt to deliver certified mail was made and directed the complainant to contact USPS "to arrange for redelivery." Accordingly, it is determined that the Commission provided the complainant with proper notice of the contested case hearing. The hearing officer notes that, on Friday, October 20, 2017, at 10:38 PM, the complainant emailed the ombudsman in this matter, contending that the contested case hearing needed to be rescheduled because he allegedly failed to receive notice of the hearing. The respondents were not copied on this correspondence. At no time prior to the hearing did the complainant appropriately move for a continuance in this matter, although he had actual notice of the scheduled hearing.

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 February 14, 2018.



Cynthia A. Cannata
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:

SETH WOLFE, 144 East Main Street, Apt. 24D, Clinton, CT 06413

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC HEALTH; AND STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC HEALTH,
c/o Assistant Attorney General Walter Menjivar, Office of the Attorney General, 55 Elm Street,
PO Box 120, Hartford, CT 06141-0120



Cynthia A. Cannata
Acting Clerk of the Commission