

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Beverly Jackson,

Complainant

against

Docket #FIC 2017-0461

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

Respondents

July 11, 2018

The above-captioned matter was heard as a contested case on October 16, 2017, at which time 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.
2. It is found that, by letters dated May 15, and July 28, 2017, the complainant made a request to the respondents for copies of records related to the Connecticut Board of Medical Examiners' Petition No. 2013-147, Department of Public Health v. Beverly Jackson, in which the respondents alleged that the complainant was practicing medicine without a license in violation of §20-9, G.S.
3. It is found that between the complainant's two letters, she requested twenty-eight (28) items, some of which included the following: the names of the patients she allegedly treated with prescription drugs; the names of the prescription drugs; the date and time the prescription for those drugs were filled; the name and location of the pharmacy where the drugs were allegedly dispensed; the names of the patients upon whom she allegedly performed surgery; the surgery allegedly performed; and the surgical unit where the alleged surgery was performed.
4. By letter dated and filed on August 8, 2017, the complainant appealed to this Commission alleging that the respondents violated the disclosure provisions of the Freedom of Information ("FOI") Act by failing to comply with her request.

5. Section 1-200(5), G.S., provides:

"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, 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, printed, photostated, photographed or recorded by any other method.

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

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 (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

7. 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."

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

9. Notwithstanding the complainant's contention to the contrary, it is found that she has been provided, on two different occasions, with all of the records maintained by the respondents related to Petition No. 2013-147, Department of Public Health v. Beverly Jackson, without redaction. It is found that the respondents maintain no other records responsive to her requests and more specifically, it is found that the respondents do not maintain any of the records she requested in either her May 15, and July 28, 2017 letters.

10. It is found that the respondents have not violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., as alleged by the complainant.

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 July 11, 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:

**BEVERLY JACKSON**, c/o Attorney Allen L. Williams, III, 9 Mott Avenue, Suite 310, Norwalk, CT 06850

**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