

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ohan Karagozian,

Complainant

Docket # FIC 2017-0711

against

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

Respondents

July 25, 2018

The above-captioned matter was heard as a contested case on February 13, 2018, at which time the complainant and 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. By email received on November 28, 2017, the complainant appealed to this Commission, alleging that the respondents failed to provide him with copies of all records responsive to his request, described in paragraph 3, below, in violation of the Freedom of Information ("FOI") Act.
3. It is found that by email, dated October 4, 2017, the complainant made a request to the respondents for the following:

[a] citations to all laws and regulations concerning the operations, permitting, licensing and/or scope of practice of optical labs [; and]

[b] copies of any compliance documentation held by the Department of Public Health showing that any of Luxottica's D/B/A LensCrafter's stores has complied with REGULATIONS OF CONNECTICUT STATE AGENCIES OPTICIANS, Section 20-141-19 that requires a separate permit for each of Luxottica's

LensCrafter's optical labs at each of their various locations ("October 4<sup>th</sup> request").

4. It is found that, by email, dated November 9, 2017, the respondents provided the complainant with records responsive to his October 4<sup>th</sup> request. Specifically, the respondents provided him with copies of Title 20 of the Regulations of Connecticut State Agencies and 17 pages of optical selling permits. The respondents also informed the complainant that such production of records completed their response to the October 4<sup>th</sup> request.

5. It is found that, by email, dated November 9, 2017, the complainant sought clarification as to the information that was provided by the respondents, and requested that the respondents provide him with additional records (*i.e.*, copies of "optical selling permits for each of LensCrafter's stores for their retail operations....").

6. It is found that, by email, dated February 1, 2018, the respondents responded to the complainant's November 9, 2017 email, described in paragraph 5, above, and informed him that the respondent Department of Public Health "does not require an optical retail establishment with an optical lab within the same location to obtain a separate permit for the lab. Each of the optical selling permit copies you received is the permit for the entire optical shop. If there were two separate retail optical shops operating out of the same address (e.g., mall or shopping center), both of those shops would need an optical selling permit."

7. Section 1-200(5), G.S., defines "public records or files" as:

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.

8. 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 . . . (3) receive a copy of such records in accordance with section 1-212.

9. 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."

10. It is found that the records requested by the complainant, to the extent that they exist, are public records and must be disclosed in accordance with §§1-200(5), 1-210(a) and 1-212(a), G.S.

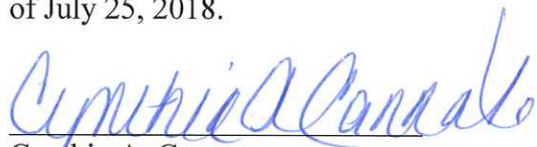
11. It is found that the respondents located and provided the complainant with all records responsive to the October 4<sup>th</sup> request that they keep on file or maintain.

12. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

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 25, 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:

**OHAN KARAGOZIAN**, 62 Asylum Street, New Haven, CT 06519

**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