

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

John Kaminski,

Complainant

against

Docket #FIC 2016-0410

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

Respondents

April 26, 2017

The above-captioned matter was heard as a contested case on October 25, 2016, at which time the complainant and the respondents appeared, stipulated to certain facts 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. By letter of complaint filed May 31, 2016, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request for a certain correspondence.
3. It is found that the complainant made a May 23, 2016 request for correspondence concerning an alleged assault on the complainant.
4. It is found that, by letter dated June 10, 2016, the respondents informed the complainant that there were no records responsive to his request.
5. In a written brief to the Commission filed September 15, 2016, the complainant contended that the respondents’ reply to his request is not credible, recited a series of events, meetings, letters, complaints, motions, civil suits and responses thereto.

6. The Commission takes administrative notice of its records and files in Docket #FIC 2015-324, Kaminski v. DOC et al. In that case, the complainant requested a copy of the incident and investigation reports related to his allegation that he had been assaulted by a correctional officer. In its final decision, the Commission concluded that the respondents had conducted a diligent search for the requested records and that no such records exist.

7. At the hearing, the complainant admitted that the only difference between his request in the instant case and his request in Docket #FIC 2015-324 is the addition of a request for emails.

8. Also at the hearing, the complainant admitted that there was nothing in the respondents' files responsive to his request.

9. It is found that the respondents have twice conducted a search for records concerning the alleged assault, and each time have found not responsive records. In the instant case, the respondents additionally arranged for the Department of Administrative Services' Bureau of Enterprise Systems and Technology (DAS/BEST) to conduct a search for responsive emails.

10. It is found that the respondents have no records responsive to the complainant's request.

11. It is therefore concluded that the respondents did not violate the FOI Act 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.

Approved by Order of the Freedom of Information Commission at its regular meeting of April 26, 2017.



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:

John Kaminski #241124
MacDougall-Walker Correctional Institution
1153 East Street South
Suffield, CT 06020

Commissioner, State of Connecticut, Department of Correction;
and State of Connecticut, Department of Correction
James Neil, Esq.
24 Wolcott Hill Road
Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission