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FREEDOM OF INFORMATION



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Kacey Lewis,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-223

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

Respondent(s)

January 15, 2016

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, February 10, 2016**. 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 January 29, 2016**. 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 January 29, 2016**. **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 January 29, 2016**, 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: Kacey Lewis
Commissioner, State of Connecticut, Department of Correction; and State of Connecticut,
Department of Correction
cc: James Neil, Esq.

20116-01-15/FIC# 2015-223/Trans/wrbp/VRP/VDH

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FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Kacey Lewis,

Complainant

against

Docket #FIC 2015-223

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

Respondents

January 14, 2016

The above-captioned matter was heard as a contested case on December 7, 2015, at which time the respondents appeared and presented argument on the complaint. The complainant, who is incarcerated, was scheduled to appear 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.). However, repeated calls to the telephone number supplied by Department of Correction at Cheshire Correctional Institution went unanswered.

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 March 24, 2014, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by demanding payment for records responsive to his November 18, 2014 request to inspect certain records.
3. The Commission takes administrative notice of its records, including its final decision, in Docket #FIC2014-899, Kacey Lewis v. Commissioner, State of Connecticut, Department of Correction et al., which case stemmed from the same November 18, 2014 request.
4. The Commission takes administrative notice of the fact that the complainant made a November 18, 2014 request to the respondents to review and inspect records compiled by the respondents in connection with the use of restraints and/or force applied to the complainant by staff at Corrigan Correctional Institution between October 24, 2014 and October 27, 2014.
5. The Commission takes administrative notice of the fact that the complainant filed a complaint concerning the November 18, 2014 request that was heard on August 17 and October

16, 2015 as Docket #FIC 2014-899, Kacey Lewis v. Commissioner, State of Connecticut, Department of Correction et al.

6. The Commission also takes administrative notice of the fact that, although the issue of the respondents' demand for payment was not raised in his initial complaint to the Commission in Docket #FIC 2014-899, the complainant presented evidence and argument on August 17 and October 16, 2015 in Docket #FIC 2014-899 that the respondents had demanded payment for the requested records.

7. The Commission also takes administrative notice of paragraph 4 of its final decision in Docket #FIC 2014-899, which resolved the issue of the respondents' demand for payment as follows:

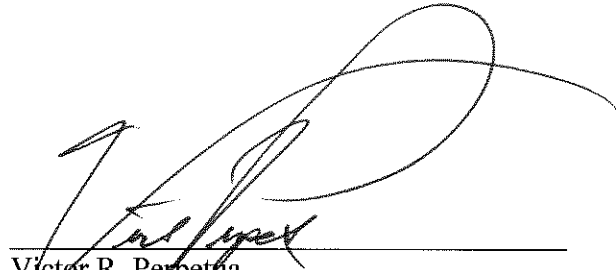
The respondents initially demanded payment for copies of the records, but that demand was ultimately withdrawn, and the complainant withdrew any claim concerning that demand for payment.

8. It is therefore concluded that the issue of the respondents' initial demand for payment in response to the complainant's November 18, 2014 request was fully adjudicated in Docket #FIC 2014-899.

9. The Commission notes that the issue of the respondents' initial demand for payment had not been heard or decided at the time the complainant filed his complaint in this matter, and that this complaint therefore was, at the time he filed it, a reasonable way to raise the issue.

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.



Victor R. Perpetua
as Hearing Officer