

Since 1975



# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
Toll free (CT only): (866)374-3617 Tel: (860)566-5682 Fax: (860)566-6474 • www.state.ct.us/foi/ • email: foi@po.state.ct.us

John Kaminski,  
Complainant(s)

against

Commissioner, State of Connecticut,  
Department of Correction; and State of  
Connecticut, Department of Correction,  
Respondent(s)

Notice of Rescheduled  
Commission Meeting

Docket #FIC 2016-0410

April 13, 2017

This will notify you that the Freedom of Information Commission has rescheduled the above-captioned matter, which had been noticed to be heard on Wednesday, April 12, 2017 at 2:00 p.m.

The Commission will consider the case at its meeting to be held at the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2:00 p.m. on Wednesday, April 26, 2017.**

Any brief, memorandum of law or request for additional time, as referenced in the March 17, 2017 Transmittal of Proposed Final Decision, must be received by the Commission on or before April 17, 2017.

By Order of the Freedom of  
Information Commission

W. Paradis

Acting Clerk of the Commission

Notice to: John Kaminski  
Attorney James Neil  
cc: Craig Washington

FIC# 2016-0410/ReschedTrans/wrbp/VRP//VDH/2017-04-13

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John Kaminski,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2016-0410

Commissioner, State of Connecticut, Department of Correction;  
and State of Connecticut, Department of Correction,  
Respondent(s)

March 17, 2017

### 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, April 12, 2017**. 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 March 31, 2017**. 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 March 31, 2017**. **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 March 31, 2017**, 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: John Kaminski  
Attorney James Neil  
cc: Craig Washington

FIC# 2016-0410/Trans/wrbp/VRP//VDH/22017-03-17

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report Of Hearing Officer

John Kaminski,

Complainant

against

Docket #FIC 2016-0410

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

Respondents

March 13, 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 contends that the respondents' reply to his request is not credible, reciting 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, Kaminsky 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 no 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.



Victor R. Perpetua  
As Hearing Officer