DOCKET NO. HHB-CV-19-5025125-S	:	SUPERIOR COURT
DAVID GODBOUT	:	JUDICIAL DISTRICT OF NEW BRITAIN
VS.	:	
FREEDOM OF INFORMATION COMMISSION	:	SEPTEMBER 23, 2019

MEMORANDUM OF DECISION

The plaintiff, David Godbout, applies for an order pursuant to General Statutes § 1-206 (b) (2) requiring the defendant Freedom of Information Commission (commission) to hold a hearing on a complaint he filed with the commission in 2018 against then-Governor Dannel P. Malloy. In that complaint, the plaintiff alleged a violation of the Freedom of Information Act (act) and sought, as his "only relief," a referral of the case to a state's attorney for criminal prosecution under General Statutes § 1-240. The commission denied leave to schedule a hearing in the case, concluding that such a hearing would "perpetrate an injustice" and "constitute an abuse of the commission's administrative process." The plaintiff then sought an order from this court requiring the commission to schedule a hearing.

Pending before the court are the commission's motion for summary judgment (#111), the plaintiff's motion to dismiss the appeal (#116), and the objections of each party to the other's motion (#120, #123). For the reasons stated herein, the court denies the plaintiff's motion to dismiss and grants the commission's motion for summary judgment.

Electronic notice sent to all counsel of record.
mailed to Mr. Godbout.
Sent to Official Reporter.
afd anspoulos, 9-23-19

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I

The record reflects the following procedural history.[1] On January 9, 2018, the plaintiff sent an electronic request to the office of then-Governor Dannel P. Malloy. The request sought (1) records regarding the mass shooting in Las Vegas, Nevada, in which 58 people died, if such records showed that the shooter's weapons had operable bump stocks, and (2) the metadata of any recent e-mail sent by the governor to any other person.[2] On February 8, 2019, the plaintiff filed a complaint with the commission, alleging that the governor had failed to respond to his request despite previous orders by the commission to strictly comply with the requirements of General Statutes § 1-210. The plaintiff further alleged that the governor's failure to respond to

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[1] This is not an administrative appeal under General Statutes § 4-183, but the commission compiled and submitted an "administrative record" as if this were an administrative appeal. See Docket Entries #103, #106. This procedural history is drawn from the documents in the record provided by the commission.

[2] The plaintiff's first record request stated: "The Gov. seems to be an expert in BUMP STOCKS for rifles and familiar with the recent Vegas Shooting that resulted in 58 deaths. Please provide me with record(s) that show BOTH of the following: 1) that any of the shooter's arms had bump stocks and 2) that the bump stocks installed were set to act as bump stocks (bump stocks can be set to be active or non-active bump stocks which results in no "bump stock" functionality). I am seeking records that show both; if only 1 of the 2 criteria can be met but not both then I would not want any records and a response of 'no records' is appropriate. If one record or more record sets shows that one criteria is shown and a second record or record set shows the second criteria was met then please provide me access to all such records." (Emphasis in original)

The plaintiff's second record request stated: "Seeking meta data of the last easily available email of the governor that the governor sent to any other person; please limit this to a last easily available email that requires no redaction or is subject to any exception or exemption under our open record laws. Only seeking the META DATA of this record, nothing further. Do NOT send me the body of the email or printout of the email without the corresponding meta data of the record." (Emphasis in original.)

The plaintiff's request contained a further note: "The gov. was previously ordered by the FOI Commission to promptly reply to records requests; so do and do not violate CGS Sec 1-240."

the plaintiff's request constituted a violation of General Statutes § 1-240,[3] which makes the failure to comply with an order of the commission a class B misdemeanor. As the sole relief requested, the plaintiff asked the commission to refer the case to a state's attorney for criminal prosecution under § 1-240. The plaintiff admitted that the governor might not have any records related to bump stocks. The plaintiff requested an expedited hearing, which the commission denied. The commission docketed the case and sent notice of the complaint to the governor and the office of the governor on March 22, 2018.

On November 2, 2018, the commission sent notice to the parties that the executive director had reason to believe that the appeal, if scheduled for a hearing, would constitute an abuse of the commission's administrative process (November 2 notice). The November 2 notice advised the parties that it would consider whether to deny leave to schedule a hearing at its meeting on November 14, 2018, and advised that the parties could submit affidavits or written statements by November 13, 2018, as to whether leave should be granted to schedule a hearing.

In response to the November 2 notice, on November 13, 2018, the plaintiff filed a motion to disqualify the commission's chairman, alleging that he routinely deliberated with other commissioners or staff about cases pending before the commission. On the same date, the plaintiff filed an objection to the November 2 notice, alleging that the commission's executive

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[3] General Statutes § 1-240 (b) provides: "Any member of any public agency who fails to comply with an order of the Freedom of Information Commission shall be guilty of a class B misdemeanor and each occurrence of failure to comply with such order shall constitute a separate offense."

director "violate[d] the FOI whenever it suits her" and that the commission itself held illegal meetings. He disputed specific allegations in the notice. He also commented that the notice stated that the commission "cannot grant the relief sought" and he construed that statement as a "motion to dismiss" on the ground that the commission lacks jurisdiction to refer a case for criminal prosecution of a violation of § 1-240. He asked the commission to bifurcate the notice and decide whether it had "jurisdiction" before deciding whether to schedule a hearing.

On November 21, 2019, the commission rescheduled the hearing on the November 2 notice for December 19, 2018. It informed the parties that it would consider the plaintiff's motion to disqualify at the same hearing. It stated that it would consider written affidavits and arguments filed by December 7, 2018.

On November 26, 2018, the plaintiff filed a motion to dismiss his own complaint, stating that he "would rather learn that the FIC does not have jurisdiction to hear this case now rather than after any expensive and time consuming future actions related to this case . . . ." His motion to dismiss presented arguments in favor of and in opposition to the commission's jurisdiction to refer a case for criminal prosecution of a violation of § 1-240.

On November 28, 2018, the governor's deputy general counsel filed a letter in support of the request to summarily deny leave to schedule a hearing. He reported that on February 14, 2018, the office of the general counsel had provided a final response to the complainant, and that by the time the office received notice of the plaintiff's complaint, the complaint had been

rendered "moot" by the commission's final response.[4]

On December 19, 2018, the commission considered the request to summarily deny leave to schedule a hearing in the plaintiff's case. The commission did not discuss or vote on the plaintiff's motion to disqualify the commission's chairman or his motion to dismiss. A commission hearing officer presented the request and stated that the commission had received the response from the governor's office which indicated that it did not have the requested records. In light of that response, she viewed the matter as moot. She noted that the plaintiff had filed a number of motions and requests that were designed to allow him to argue to the commission "his thoughts on § 1-240." She requested a summary denial of leave to schedule the hearing. The commission voted unanimously, without discussion, to deny leave to schedule the hearing. The commission issued notice of its decision on December 20, 2018.

On January 2, 2019, the plaintiff filed an application pursuant to General Statutes § 1-206 (b) (2), seeking an order directing the commission to schedule a hearing. The commission appeared and, on April 12, 2019, filed a motion for summary judgment. On April 25, 2019, the plaintiff filed a motion to dismiss the appeal. Each party filed an objection to the other's motion, and the court heard argument on both motions on June 25, 2019.

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[4] A copy of the e-mail response sent by the governor's deputy general counsel is in the record provided by the commission. In that e-mail, the governor's counsel advised the plaintiff that the governor's office had no documents responsive to the plaintiff's request. The e-mail address to which the response was sent, however, omitted the number "1" that appeared after the plaintiff's name in the e-mail address used in his original request.

II

The court first addresses the plaintiff's motion to dismiss the appeal. The plaintiff asserted that this court's jurisdiction depends on whether the commission had jurisdiction to make a criminal referral for a violation of § 1-240. He stated that he requested records from the governor and received no response. He viewed the failure to respond as a violation of previous commission orders and therefore a criminal offense pursuant to § 1-240. He claimed he contacted the state capitol police chief about his allegation, but when the police chief contacted the commission to investigate the plaintiff's allegation, the commission told the police chief that only the commission can perform investigations of violations of the Act, and that the plaintiff should file a complaint with the commission. The plaintiff filed such a complaint, seeking a criminal referral, and several months later the commission issued the notice of the request not to schedule the complaint for a hearing, stating, among other reasons, that "[t]here is no possibility that the [c]ommission can or will legally grant the sole relief sought by the complainant under the circumstances outlined here . . . ." In his motion to dismiss his own appeal, the plaintiff in effect sought a declaratory ruling as to whether the commission has the authority to refer an individual for criminal prosecution for a violation of § 1-240.

"[A] motion to dismiss . . . properly attacks the jurisdiction of the court, essentially asserting that the plaintiff cannot as a matter of law and fact state a cause of action that should be heard by the court." (Internal quotation marks omitted.) *Santorso* v. *Bristol Hospital*, 308 Conn.

338, 350, 63 A.3d 940 (2013). "A motion to dismiss tests, inter alia, whether, on the face of the record, the court is without jurisdiction." (Internal quotation marks omitted.) *MacDermid, Inc.* v. *Leonetti*, 310 Conn. 616, 626, 79 A.3d 60 (2013). "A court deciding a motion to dismiss must determine not the merits of the claim or even its legal sufficiency, but rather, whether the claim is one that the court has jurisdiction to hear and decide." (Internal quotation marks omitted.) *Hinde* v. *Specialized Education of Connecticut, Inc.*, 147 Conn. App. 730, 740-41, 84 A.3d 895 (2014).

In this case, the court's jurisdiction is defined by General Statutes § 1-206 (b) (2), which provides in relevant part: "If the executive director of the commission has reason to believe an appeal under subdivision (1) of this subsection or subsection (c) of this section (A) presents a claim beyond the commission's jurisdiction; (B) would perpetrate an injustice; or (C) would constitute an abuse of the commission's administrative process, the executive director shall not schedule the appeal for hearing without first seeking and obtaining leave of the commission. The commission shall provide due notice to the parties and review affidavits and written argument that the parties may submit and grant or deny such leave summarily at its next regular meeting. The commission shall grant such leave unless it finds that the appeal: (i) Does not present a claim within the commission's jurisdiction; (ii) would perpetrate an injustice; or (iii) would constitute an abuse of the commission's administrative process. Any party aggrieved by the commission's denial of such leave may apply to the superior court for the judicial district of Hartford, within

fifteen days of the commission meeting at which such leave was denied, for an order requiring the commission to hear such appeal."

The complaint in this case alleges that the commission denied leave to schedule a hearing of the plaintiff's complaint on December 19, 2018. On January 2, 2019, within fifteen days of the commission meeting at which such leave was denied, the plaintiff filed an application in the judicial district of Hartford for a judicial order requiring the commission to schedule a hearing.[5] As permitted by General Statutes § 51-347b (a),[6] that court transferred the case to the judicial district of New Britain. Under the plain language of § 1-206 (b) (2) and the transfer authority of § 51-347b (a), this court has statutory jurisdiction to hear and decide the plaintiff's application. Whether the commission had statutory "jurisdiction" or authority to order the relief requested in the plaintiff's complaint to the commission is a separate legal question, which the court does not need to address to determine its own jurisdiction over the application. The plaintiff's motion to dismiss his own application is denied.

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[5] When the plaintiff filed his application on January 2, 2019, General Statutes § 1-206 (b) (2) required such applications to be filed in the judicial district of Hartford. Effective October 1, 2019, an amendment to § 1-206 (b) (2) will require such applications to be filed in the judicial district of New Britain. See 2019 Public Acts, No. 19-64, § 14.

[6] General Statutes § 51-347b (a) provides in relevant part: "Any action or the trial of any issue or issues therein may be transferred, by order of the court on its own motion or on the granting of a motion of any of the parties, or by agreement of the parties, from the superior court for one judicial district to the superior court in another court location within the same district or to a superior court location for any other judicial district, upon notice by the clerk to the parties after the order of the court, or upon the filing by the parties of a stipulation signed by them or their attorneys to that effect."

III

The commission seeks summary judgment on the basis of the record it presented. Summary judgment "shall be rendered forthwith if the pleadings, affidavits and any other proof submitted show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Practice Book § 17-49. "The movant has the burden of showing the nonexistence of such issues but the evidence thus presented, if otherwise sufficient, is not rebutted by the bald statement that an issue of fact does exist . . . To oppose a motion for summary judgment successfully, the nonmovant must recite specific facts . . . which contradict those stated in the movant's affidavits and documents . . . The opposing party to a motion for summary judgment must substantiate its adverse claim by showing that there is a genuine issue of material fact together with the evidence disclosing the existence of such an issue . . . The existence of the genuine issue of material fact must be demonstrated by counteraffidavits and concrete evidence." (Citation omitted; internal quotation marks omitted.) *Gianetti v. Health Net of Connecticut, Inc.*, 116 Conn. App. 459, 464-65, 976 A.2d 23 (2009). "The test is whether the party moving for summary judgment would be entitled to a directed verdict on the same facts . . . ." (Internal quotation marks omitted.) *SS-II, LLC v. Bridge Street Associates,* 293 Conn. 287, 294, 977 A.2d 189 (2009).

"[B]efore a document may be considered by the court [in connection with] a motion for summary judgment, there must be a preliminary showing of [the document's] genuineness, i.e.,

that the proffered item of evidence is what its proponent claims it to be. . . . Documents in support of or in opposition to a motion for summary judgment may be authenticated in a variety of ways, including, but not limited to, a certified copy of a document or the addition of an affidavit by a person with personal knowledge that the offered evidence is a true and accurate representation of what its proponent claims it to be." (Internal quotation marks omitted.) *Bruno* v. *Geller*, 136 Conn. App. 707, 714-15, 46 A.3d 974, cert. denied, 306 Conn. 905, 52 A.3d 732 (2012).

The trial court has discretion in determining whether to consider documentary evidence submitted by a party in support of or in opposition to a motion for summary judgment. See *Bruno* v. *Whipple*, 138 Conn. App. 496, 506, 54 A.3d 184 (2012) ("Whether a trial court should consider documentary evidence submitted by a party in relation to a motion for summary judgment presents an evidentiary issue to which we apply an abuse of discretion standard."). Where both parties have submitted identical copies of the same document as evidence to be considered by the court in support of their respective positions on a party's motion for summary judgment, "both can be understood to have admitted by their references to it in their affidavits, briefs and arguments that the [document] before the court was in fact authentic." Id., 506-507.

In this case, the commission provided the documents that would constitute the administrative record if this were an appeal under General Statutes § 4-183. That is, it provided the plaintiff's complaint to the commission, other pleadings, letters and documents filed with the commission in relation to the complaint, notices issued by the commission, the transcript of the

hearing at which the commission voted to deny leave to schedule a hearing on the plaintiff's complaint, and the notice of the final decision. The index to the record contains a certification by counsel that the listed documents constitute the entire record upon which the commission acted and that the record provided to the court is a true copy of the record on file with the commission. In light of the commission's certification that the records submitted to the court are true copies of the records in the commission's file, the court deems them to be adequately authenticated. This does not mean that *statements* in the records are accepted as true, but that the records are what they purport to be, true copies of records submitted to or issued by the commission.

In addition to adequately authenticated documents presented by the parties, the court may take judicial notice of its files in other cases. See *Bruno* v. *Geller*, supra, 136 Conn. App. 717 n.3. The plaintiff in this case has applied to the court on three previous occasions for orders to schedule a hearing pursuant to § 1-206 (b) (2). The plaintiff has relied upon *Godbout* v. *Freedom of Information Commission*, Superior Court, Judicial District of New Britain, Docket No. CV 13-5015870-S (November 13, 2014, *Cohn, J.*) (*Godbout I*), in support of his argument that the court has previously rejected the commission's decisions not to schedule hearings in his cases.[7] The commission has relied upon two later decisions, *Godbout* v. *Freedom of Information Commission*,

[7] *Godbout I* involved seven complaints filed by the plaintiff, as to which the commission had denied a hearing. In that case, the court upheld the denial as to four of the complaints, ordered the commission to hold hearings as to two of the complaints, and stated, as to one complaint, that "[t]he court will allow a hearing to go forward, provided the plaintiff submits to the respondents a short, clear demand for records and such demand is refused in whole or in part."

Superior Court, Judicial District of New Britain, Docket No. CV 14-5016057-S (June 8, 2015, *Schuman, J.*) (*Godbout II*), and *Godbout* v. *Freedom of Information Commission*, Superior Court, Judicial District of New Britain, Docket No. CV 15-5017046-S (August 9, 2016, *Schuman, J.*) (*Godbout III*), in support of its argument that the court has previously upheld the commission's decisions to deny hearings on the plaintiff's complaints. The court takes judicial notice of the court records and decisions in the plaintiff's three previous applications under § 1-206 (b) (2).

The commission's decision to deny leave to schedule a hearing in this case is governed by General Statutes § 1-206. Section 1-206 (b) (1)[8] allows any person denied the right to inspect or copy records under § 1-210 to file a notice of appeal to the commission. Section 1-206 (b) (2)[9]

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[8] General Statutes § 1-206 (b) (1) provides in relevant part: "Any person denied the right to inspect or copy records provided for under section 1-210 or wrongfully denied the right to attend any meeting of a public agency or denied any other right conferred by the Freedom of Information Act may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission. . . ."

[9] General Statutes § 1-206 (b) (2) provides in its entirety: "In any appeal to the Freedom of Information Commission under subdivision (1) of this subsection or subsection (c) of this section, the commission may confirm the action of the agency or order the agency to provide relief that the commission, in its discretion, believes appropriate to rectify the denial of any right conferred by the Freedom of Information Act. The commission may declare null and void any action taken at any meeting which a person was denied the right to attend and may require the production or copying of any public record. In addition, upon the finding that a denial of any right created by the Freedom of Information Act was without reasonable grounds and after the custodian or other official directly responsible for the denial has been given an opportunity to be heard at a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, the commission may, in its discretion, impose against the custodian or other official a civil penalty of not less than twenty dollars nor more than one thousand dollars. If the commission finds that a person has taken an appeal under this subsection frivolously, without reasonable grounds and solely for the purpose of harassing the agency from which the appeal has been taken, after such person has been given an opportunity to be heard at a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, the commission may, in its discretion, impose against that person a civil

then sets out the relief that the commission may provide if it finds a violation of the act and the actions it may take, in its discretion, to deter noncompliance with the act. It also authorizes the commission to decline to hold hearings in certain cases. More specifically, § 1-206 (b) (2) provides in relevant part: "If the executive director of the commission has reason to believe an appeal under subdivision (1) of this subsection or subsection (c) of this section (A) presents a claim beyond the commission's jurisdiction; (B) would perpetrate an injustice; or (C) would constitute an abuse of the commission's administrative process, the executive director shall not schedule the appeal for hearing without first seeking and obtaining leave of the commission. The commission shall provide due notice to the parties and review affidavits and written argument that the parties may submit and grant or deny such leave summarily at its next regular meeting. The commission shall grant such leave unless it finds that the appeal: (i) Does not present a claim

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penalty of not less than twenty dollars nor more than one thousand dollars. The commission shall notify a person of a penalty levied against him pursuant to this subsection by written notice sent by certified or registered mail. If a person fails to pay the penalty within thirty days of receiving such notice, the superior court for the judicial district of Hartford shall, on application of the commission, issue an order requiring the person to pay the penalty imposed. If the executive director of the commission has reason to believe an appeal under subdivision (1) of this subsection or subsection (c) of this section (A) presents a claim beyond the commission's jurisdiction; (B) would perpetrate an injustice; or (C) would constitute an abuse of the commission's administrative process, the executive director shall not schedule the appeal for hearing without first seeking and obtaining leave of the commission. The commission shall provide due notice to the parties and review affidavits and written argument that the parties may submit and grant or deny such leave summarily at its next regular meeting. The commission shall grant such leave unless it finds that the appeal: (i) Does not present a claim within the commission's jurisdiction; (ii) would perpetrate an injustice; or (iii) would constitute an abuse of the commission's administrative process. Any party aggrieved by the commission's denial of such leave may apply to the superior court for the judicial district of Hartford, within fifteen days of the commission meeting at which such leave was denied, for an order requiring the commission to hear such appeal."

within the commission's jurisdiction; (ii) would perpetrate an injustice; or (iii) would constitute an abuse of the commission's administrative process. Any party aggrieved by the commission's denial of such leave may apply to the superior court for the judicial district of Hartford, within fifteen days of the commission meeting at which such leave was denied, for an order requiring the commission to hear such appeal."

Section 1-206 (b) (3) sets out a non-exclusive list of factors the commission may consider when determining whether to grant or deny leave to schedule a hearing. It provides: "In making the findings and determination under subdivision (2) of this subsection the commission shall consider the nature of any injustice or abuse of administrative process, including but not limited to: (A) The nature, content, language or subject matter of the request or the appeal, including, among other factors, whether the request or appeal is repetitious or cumulative; (B) the nature, content, language or subject matter of prior or contemporaneous requests or appeals by the person making the request or taking the appeal; (C) the nature, content, language or subject matter of other verbal and written communications to any agency or any official of any agency from the person making the request or taking the appeal; (D) any history of nonappearance at commission proceedings or disruption of the commission's administrative process, including, but not limited to, delaying commission proceedings; and (E) the refusal to participate in settlement conferences conducted by a commission ombudsman in accordance with the commission's regulations."

In this case, the commission properly considered the "nature, content, language or subject

matter" of the plaintiff's appeal under § 1-206 (b) (3) (A) and the "nature, content, language or subject matter" of his prior requests and appeals under § 1-206 (b) (3) (B). On the basis of these considerations, the commission was justified in denying leave to schedule a hearing in this case.

The plaintiff's complaint specifically sought, as its "only relief," the referral of the case to a state's attorney's office for a criminal violation of § 1-240.[10] That is not a form of "relief" that is authorized by § 1-206. In *Burton* v. *Freedom of Information Commission,* 161 Conn. App. 654, 662-63, 129 A.3d 721 (2015), the Appellate Court distinguished between actions the commission may take to provide "relief" to a complainant for a violation of the act and other actions the commission may take to deter violations of the act. Based on a close analysis of the text of § 1-206 (b) (2), the court concluded that the act authorizes specific forms of relief to a complainant who has been deprived of a right under the act. Such relief includes, in the case of a denial of the right of access to or copies of public records, an order requiring production or copying of those public records. In addition, the act authorizes the commission to take other actions, such as imposing a civil penalty against agency officials who violate the act without reasonable grounds or against citizen complainants who use the act solely to harass agencies. The Appellate Court concluded that the act "thus delineates two groups of actions the commission may

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[10] The first two sentences of the plaintiff's complaint stated: "The only relief to a violation of the Freedom of Information Act (Act) is for the Freedom of Information Commission (FIC) to refer this case to a state[']s attorney's office for criminal prosecution under CGS Sec. 1-240. I would allege that the proper party to be named in this case is Governor Daniel [sic] Malloy, address of: Office of the Governor . . . ."

take: (1) ordinary relief a party may seek; and (2) additional tools that the commission may employ, as necessary, in its discretion, but to which neither party has a legal right or interest." Id., 664.

The plaintiff's attempt to use the commission's administrative process to initiate a criminal prosecution under § 1-240 is misguided. Section 1-206, not § 1-240, is the section of the act that defines the relief the commission may provide to a complainant. It is not necessary, in this case, to determine how a prosecution for a misdemeanor under § 1-240 is intended to be initiated; it is sufficient to determine that the plaintiff has no right, under § 1-206, to seek such a prosecution as relief for an alleged violation of the act. Section 1-206 specifically authorizes the commission to order that records be provided to a complainant if such records exist and are not subject to any exemption. In this case, however, the plaintiff expressly disavowed any interest in having the commission order the governor to produce any responsive documents; he was only interested in having the governor arrested. The commission correctly concluded that the plaintiff was not pursuing a legitimate records request because he did not seek a commission order for the production of any public records.

The commission also properly considered the "nature, content, language or subject matter" of his prior requests and appeals under § 1-206 (b) (3) (B). In *Godbout III*, supra, the court found that the plaintiff had filed at least 385 previous complaints with the commission and concluded that the sheer volume of his complaints gave the commission a strong basis for denying a hearing

in that case. The court also found that the plaintiff had repeatedly attacked the commission and its executive director, contending that the commission is an "evil agency that must be eliminated." The court concluded that "[t]he nature, content, language or subject matter' of this sort of complaint makes it clear that the plaintiff's real purpose is not to seek relief under the act but rather to seek some sort of vendetta against the executive director and to eliminate the commission. . . . Out statutes make clear, however, that the commission need not tolerate the improper use of the act as a means of targeting one of its officers or challenging the commission's very existence."

The plaintiff contends that he has filed only two complaints with the commission since the court issued its decision in *Godbout III*, and that he believes the commission is refusing to hear his complaints because it disagrees with his positions, in alleged violation of his first amendment rights. The court will assume, for the sake of argument, that the plaintiff correctly represents the number of complaints he has filed since 2016. As Judge Schuman found, however, the plaintiff did not abuse the commission's process solely by the volume of his complaints, but also by the nature and character of those complaints. This court has already found that the relief sought by the plaintiff in this case was not relief to which he is entitled under the act. The court has also found that by failing to seek production of any responsive documents, the plaintiff has made it clear that his intention was not to obtain public records but to harass public officials.

In this case, as in earlier cases filed by the plaintiff, the plaintiff has documented his

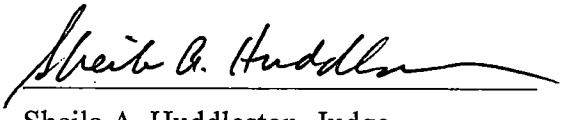
opposition to the commission, its executive director, its commissioners, and its staff attorneys. He has alleged that the commission and its staff routinely violate the act. The plaintiff is entitled to his opinions about the commission, and he has every right to express those opinions to the legislature, to public officials, and to the public at large. He does not, however, have a right to use the commission's administrative process as a vehicle for expressing his views. The commission's administrative process is intended to ensure that persons who have been denied access to public records or to public meetings obtain relief. But the relief to which such persons are entitled is the access that was denied, not the imposition of civil or criminal penalties against the person allegedly responsible for the denial of access.

The court has considered the plaintiff's claims that he was denied due process by the commission's failure to act on his motion to disqualify the commission's chairman and his motion to dismiss his complaint. The plaintiff's due process claim is not supported by legal analysis. The failure to brief an argument adequately is, in itself, a reason to reject the argument. See *State* v. *Buhl*, 321 Conn. 688, 724-29, 138 A.3d 868 (2016). The plaintiff has not shown that he suffered harm to any legal interest, moreover, by the commission's failure to act on his motions. The commission's decision to deny leave to schedule a hearing was fully justified based on the nature of the plaintiff's complaint and the relief he sought.

IV

For the reasons stated above, the court denies the plaintiff's motion to dismiss, grants the commission's motion for summary judgment, and denies the plaintiff's application for an order requiring the commission to hold a hearing on his complaint.

BY THE COURT,



Sheila A. Huddleston, Judge