

STEVE ANCTIL

v.

KNOX COUNTY JAIL

Submitted on Briefs September 26, 2018

Decided October 11, 2018

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, and HUMPHREY, JJ.

## MEMORANDUM OF DECISION

Steve Anctil appeals from a judgment of the Superior Court (Knox County, *Mallonee, J.*) denying Anctil's appeal under section 409 of the Freedom of Access Act (FOAA). *See* 1 M.R.S. §§ 400-4014 (2017). Anctil contends that the court's factual findings are not supported by competent evidence, and that the court failed to make proper findings as to whether Knox County had in its possession any documents related to an incident report by the Rockland Police Department involving an individual named Samuel Gath.

Notwithstanding the court's failure to specifically find that Knox County did not have in its possession the requested information, the record indicates that Anctil had previously requested the same information and was already informed by Knox County that it did not have the requested records. The uncontroverted affidavit of the Knox County Administrator demonstrates that on July 24, 2016, Anctil requested the same information that he purportedly requested on September 26, 2016, and Knox County responded, stating that it did not have any responsive documents. Because the affidavit demonstrates

that Knox County responded to Anctil's request and Knox County was not in possession of the requested records, Knox County is not "an agency or official having custody" of the requested public records, and therefore the court did not err or abuse its discretion in denying Anctil's appeal. 1 M.R.S. § 402(3), 408-A(2), (4); *see also Dubois v. Office of the Att'y Gen.*, 2018 ME 67, ¶¶ 13-14, 185 A.3d 734.

The entry is:

Judgment affirmed.

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Steve Anctil, appellant pro se

Peter T. Marchesi, Esq., and Cassandra S. Shaffer, Esq., Wheeler & Arey, P.A., Waterville, for appellee Knox County Jail

Knox County Superior Court docket number CV-2016-57  
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