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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

Robert Cushman,
Complainant(s)
against

Notice of Meeting
Docket #FIC 2011-638

Chief, Police Department, Town of East Windsor;
and Police Department, Town of East Windsor,

Respondent(s) May 9, 2012

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, May 30, 2012**. 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 May 18, 2012**. 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, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE May 18, 2012**. 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 **fourteen (14) copies** be filed **ON OR BEFORE May 18, 2012**, 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: Robert Cushman
Joshua A. Hawks-Ladds, Esq.

5/9/12/FIC# 2011-638/Trans/wrbp/VDH//LFS

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Robert Cushman,

Complainant

against

Docket #FIC 2011-638

Chief, Police Department,
Town of East Windsor;
and Police Department,
Town of East Windsor,

Respondents

March 30, 2012

The above-captioned matter was scheduled to be heard as a contested case on March 22, 2012, at which time the complainant and the respondents appeared. At such time, the parties informed the Commission that they had settled the instant matter in the following manner: first, because the complainant had already received the police report and a related record that he was seeking, albeit not from the respondents, and because the issue concerning the respondents' obligation to provide access to records concerning ongoing criminal prosecutions is on appeal in Commissioner, State of Connecticut, Department of Public Safety v. Freedom of Information Commission, et al., 2010 Conn. Super. LEXIS 1001 (Conn. Super. Ct. Apr. 21, 2010), *appeal docketed*, No. 32246 (Conn. App. Ct. May 11, 2010), the parties will consider the request for such records moot; and second, with regard to the request for a particular officer's certification, the respondents will search their files and, if such record is in their possession, they will provide it to the complainant within 24 hours.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Based on the parties' settlement, the case is hereby dismissed.
2. The Commission commends the parties on having reached a non-litigated settlement in this matter.



Valicia Dee Harmon
as Hearing Officer