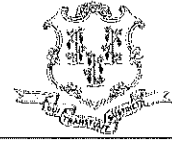


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FREEDOM OF INFORMATION



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David Godbout,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2012-404

Resident State Trooper, State of Connecticut,
Department of Public Safety; State of
Connecticut, Department of Public Safety; and
Police Department, Town of East Lyme,

Respondent(s)

April 30, 2013

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 22, 2013**. 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 10, 2013**. 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 10, 2013**. **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 10, 2013**, 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: David Godbout
Terrence M. O'Neill, Esq.
Mark S. Zamarka, Esq.

4/30/13/FIC# 2012-404/Trans/wrbp/GFD//CAL

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

David Godbout,

Complainant

against

Docket #FIC 2012-404

Resident State Trooper, State of
Connecticut, Department of Public Safety;
State of Connecticut, Department of Public
Safety; and Police Department, Town of
East Lyme,

Respondents

April 30, 2013

The above-captioned matter was heard as a contested case on January 28, 2013. At the hearing, the complainant and the respondents Resident State Trooper, State of Connecticut, Department of Public Safety and State of Connecticut, Department of Public Safety, appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. During the hearing, the Hearing Officer determined that the Police Department for the Town of East Lyme ("ELPD") was a necessary party for the proper disposition of this case and added ELPD as a party respondent. The Hearing Officer continued the hearing to April 12, 2013, at which time the complainant appeared, however, the respondent ELPD failed to appear. Counsel for the respondent ELPD moved for a continuance of the April 12, 2013 hearing and the complainant objected to such motion. The Hearing Officer granted the respondent ELPD's motion for continuance and denied the complainant's motion to reconsider granting the respondent ELPD's motion for continuance. The Hearing Officer further continued the April 12, 2013 hearing to April 18, 2013, at which time the complainant, and the respondent ELPD appeared and informed the Hearing Officer that the parties were in the process of trying to resolve the complaint and that both parties agreed that they wished to conduct an off the record settlement conference, which the hearing officer stated could take place so long as he was not present.

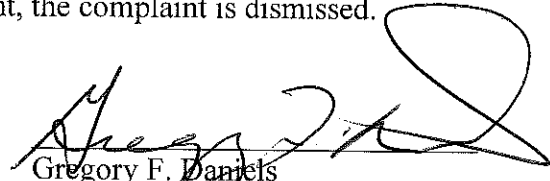
After the Hearing Officer was called back into the hearing room, the parties indicated that they reached the terms of an agreement in resolution of this contested case. The complainant and the respondent ELPD have agreed that: 1) the respondent ELPD will search for and provide to the complainant a copy of form DD-214 and a 2008 letter from Sergeant Wilfred Blanchette of the State Police; and 2) If the respondent ELPD is unable to locate the requested records, the respondent ELPD will provide the complainant with a letter, notifying him that it conducted a search of its records and that the requested records are not in the possession of the respondent ELPD.

Based on such statements of counsel for the respondent ELPD, the complainant stated that he would withdraw his complaint in this contested case.

For purposes of hearing, the above captioned matter was consolidated with Docket #FIC 2012-265, David Godbout v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection, Division of State Police; and State of Connecticut, Department of Emergency Services and Public Protection, Division of State Police; and Docket #FIC 2013-032, David Godbout v. Chief, Police Department, Town of East Lyme; and Police Department, Town of East Lyme.

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

1. Based on the withdrawal of the complaint, the complaint is dismissed.


Gregory F. Daniels
as Hearing Officer