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FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Torrey Townsend,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0566

Personnel Director, City of New Haven; and
City of New Haven,
Respondent(s)

September 30, 2016

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, October 26, 2016**. 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 October 14, 2016**. 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 October 14, 2016**. **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 October 14, 2016**, 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: Torrey Townsend
Attorney Kathleen Foster

FIC# 2016-0566/Trans/wrbp/KKR/TCB/2016-09-30

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Torrey Townsend,

Complainant

against

Docket #FIC 2016-0566

Personnel Director, City of New Haven;
and City of New Haven,

Respondents

September 20, 2016

The above-captioned matter was scheduled to be heard as a contested case on September 20, 2016, at 1:00 p.m., at which time the respondents appeared but the complainant failed to appear. This matter was consolidated for hearing purposes with Docket #FIC 2015-829, Torrey Townsend v. Chief, Fire Department, City of New Haven; and Fire Department, City of New Haven, and Docket #FIC 2016-0565, Torrey Townsend v. Personnel Director, City of New Haven; and City of New Haven.

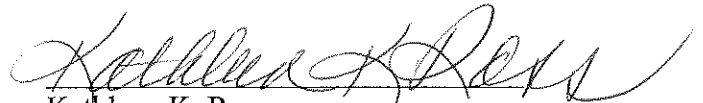
The Commission's records reflect that, at the complainant's request, the hearing in Docket #FIC 2015-829 was consolidated with the hearing in Docket #FIC 2016-0565 and Docket #FIC 2016-0566. Notice of hearing in Docket #FIC 2016-0565 and Docket #FIC 2016-0566, and a separate Notice of Consolidation and Rescheduled Time of Hearing, informing the parties that all three cases would be heard on September 20, 2016 at 1:00 p.m., were sent to the parties on August 24, 2016 via certified mail and, as a courtesy to the complainant, via email.

Delivery by the postal service of the notices to the complainant was unsuccessfully attempted on August 31, 2016, and September 9, 2016. The postal service notified the complainant of the attempted deliveries. The certified letter was held by the postal service until September 15, 2016, at which time the certified letter was marked by the postal service as "unclaimed/max hold time expired." The Commission received no indication that the email was not received by the complainant.

By handwritten note, dated September 20, 2016, and by email, dated September 22, 2016, the complainant apologized for her failure to appear at the hearing, claiming a "misunderstanding," and stated that she has "a lot of appointments" with her daughters and "other court issues." She also requested that the Commission "reschedule" the hearing in all three cases. The respondents, also by email dated September 22, 2016, objected. Such request is hereby denied.

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

1. The complaint is hereby dismissed for failure to prosecute.



Kathleen K. Ross
as Hearing Officer

FIC2016-0566/hor/kkr/09302016