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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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Robert A. Cushman,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2012-372

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

Respondent(s)

March 1, 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 Thursday, March 28, 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 March 15, 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 March 15, 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 March 15, 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: Robert A. Cushman
Joshua A. Hawks-Ladds, Esq.

2013-03-01/FIC# 2012-372/Trans/wrbp/CAL/LFS

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Robert A. Cushman,

Complainant

against

Docket #FIC 2012-372

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

Respondents

February 26, 2013

The above-captioned matter was heard as contested case on December 17, 2012, at which time the complainant and the respondents appeared and presented testimony on the above captioned complaint.

At the hearing, the parties all expressed their desire to negotiate a settlement agreement. The complainant, who is an attorney, has brought previous complaints against other towns, seeking similar computer based records that assist him in the defense of his clients. The respondent Chief personally appeared, together with an information technology officer in the respondent Department and their counsel. Following some discussion, the parties were able to agree upon a narrowed records request and a schedule to comply by February 15, 2013. The Commission remained prepared to adjudicate any issues arising from compliance with the settlement agreement that was placed on the record.

However, by facsimile message dated February 14, 2013, and filed with the Commission on February 15, 2013, the complainant stated that he wished to withdraw the case.

The following orders by the Commission are hereby recommended on the basis of the record:

1. Based on the withdrawal of the complaint, the case is hereby dismissed.
2. The Commission commends the parties on being well prepared for the hearing and agreeing to a settlement without full adjudication.

A handwritten signature in black ink, appearing to read 'Clifton A. Leonhardt', written over a horizontal line.

Clifton A. Leonhardt
as Hearing Officer

FIC2012-372/HOR/CAL/02262013