

Since 1975



FREEDOM OF INFORMATION



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

Notice of Meeting

Docket #FIC 2013-113

Chief, Police Department, City of Stamford; and
Police Department, City of Stamford,
Respondent(s)

September 26, 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, October 23, 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 October 11, 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, an **original and fourteen (14) copies** must be filed **ON OR BEFORE October 11, 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 October 11, 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: Benjamin Sutton
Burt Rosenberg, Esq.
Chris Dellaselva, Esq.

2013-09-26/FIC# 2013-113/Trans/wrbp/CAL/VDH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Benjamin Sutton,

Complainant

against

Docket #FIC 2013-113

Chief, Police Department, City of Stamford;
and Police Department, City of Stamford,

Respondents

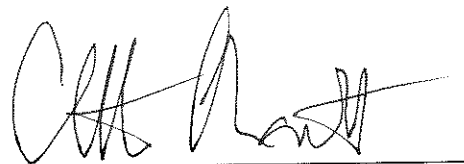
September 25, 2013

The above-captioned matter was heard as contested case on September 18, 2013, at which time the complainant and the respondents appeared. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOIC et al, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

At the hearing, the complainant stated that he had written a letter dated August 15, 2013 to counsel for the City of Stamford inquiring about a settlement of his case and expressing the "hope that we can come to an amicable agreement prior to the scheduled FOIA commission hearing". The respondents represented that, on February 14, 2013, their Records Division had sent the contents of their relevant file to the complainant. The hearing officer reviewed each of the seven categories of requested records with the parties. The parties agreed that the complainant had received all non-exempt records within the scope of his January 14, 2013 request, except possibly fingerprint records. Counsel for the respondents agreed to investigate whether relevant fingerprint records existed in the computer database where such records are generally scanned. He further agreed, within ten days, to either furnish relevant fingerprints to the complainant or write to the complainant explaining why fingerprint records were not provided. The complainant at this point stated that the case was resolved and that he wished to withdraw his complaint against the respondents. No matters required adjudication.

The Commission recommends the following order on the basis of the record:

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

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

Clifton A. Leonhardt
as Hearing Officer

FIC2013-113/HOR/CAL/09252013