

Since 1975



FREEDOM OF INFORMATION



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

Notice of Meeting

Docket #FIC 2013-392

Chairman, Water Pollution Control Authority,
Town of Old Saybrook; and Water Pollution
Control Authority, Town of Old Saybrook,
Respondent(s)

March 26, 2014

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, April 23, 2014**. 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 April 11, 2014**. 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 April 11, 2014**. **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 April 11, 2014**, 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: Richard Swan
Henry J. Zaccardi, Esq.

3-26-2014/FIC# 2013-392/Trans/wrbp/CAL/TAH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Richard Swan,

Complainant

against

Docket #FIC 2013-392

Chairman, Water Pollution Control
Authority, Town of Old Saybrook;
and Water Pollution Control Authority,
Town of Old Saybrook,

Respondents

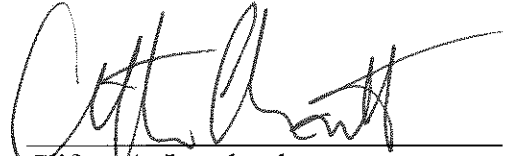
March 13, 2014

The above-captioned matter was consolidated for hearing with Docket #FIC 2013-378; Richard Swan v. Elsa Payne, Chairman, Water Pollution Control Authority, Town of Old Saybrook; and Water Pollution Control Authority, Town of Old Saybrook. Both matters were heard as contested cases on December 2, 2013 and January 27, 2014, at which times the complainant and the respondents appeared, presenting testimony and argument on the complaint.

This case is essentially a “follow on” complaint to Docket #FIC 2013-378, involving the same parties and filed four days after the complaint in Docket #FIC 2013-378. This case is based on a letter dated June 24, 2013, re-requesting records that had previously been requested, but which had not yet been produced, and also adding three new records requests. These requests were subject to the same process detailed in the final decision in Docket #FIC 2013-378. The complainant’s email, dated and filed with the Commission on February 25, 2014, also requested that his complaint in the above captioned matter be withdrawn.

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 both the complainant and the respondents on having worked cooperatively through the far flung records requests in this case in a manner that provided public records to the complainant much more quickly than would have resulted from relying exclusively on contested adjudication.

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

Clifton A. Leonhardt
as Hearing Officer

FIC2013-392/HOR/CAL/03132014