

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

William Rousseau,

Complainant

against

Docket #FIC 2017-0760

Kevin Brace, Chairman, Police  
Commission, Town of Windsor  
Locks; Police Commission, Town of  
Windsor Locks; and Town of Windsor  
Locks,

Respondents

October 10, 2018

The above-captioned matter was heard as a contested case on March 6, 2018, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter of complaint filed December 26, 2017, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his November 26, 2017 request for certain public records.
3. It is found that the complainant made a November 26, 2017 request for “records as they relate to the Retiree Package that was offered to recent Retirees. The details on Medical Insurance and Retiree Badges and Credentials.”
4. It is found that copies of the requested records were provided to the complainant, without charge, on February 5, 2018.
5. Section 1-200(5), G.S., defines “public records or files” as:  
  
any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section

1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

6. Section 1-210(a), G.S., provides in relevant part that:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours . . . (3) receive a copy of such records in accordance with section 1-212.

7. Section 1-212(a), G.S., provides in relevant part that “any person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

8. It is concluded that the requested records are public records within the meaning of §§1-200(5), 1-210(a) and 1-212(a), G.S.

9. It is found that the complainant’s November 26, 2017 request was sent by email to the then chairman of the Police Commission, who had not been re-elected.

10. It is found that the new chairman gained access to the former chairman’s email account in early January, but either did not see or was not told about the November request in his inbox.

11. It is found that counsel for the respondents became aware of the November request at the end of January 2018, and promptly forwarded the request to the directors of human resources and finance. Counsel then sent the only responsive record, a 2012 memorandum of understanding between the respondents and the collective bargaining unit, to the complainant on February 5, 2018.

12. The complainant contends that the provision of records was not prompt because the memorandum of decision dated from 2012.

13. It is found that the complainant’s request related to his own retirement in 2007.

14. The Commission takes administrative notice of the memorandum of decision dated July 31, 2012 (Kravitz, J.), United States District Court, District of Connecticut, *William Rousseau v. Windsor Locks Police Commission et al.*, No. 3:10cv1312 (MRK).

15. It is found that, at the time of his retirement from employment with the town as a police officer in 2007, Mr. Rousseau and the Town of Windsor Locks signed a settlement agreement and release, in which the Town agreed to drop all pending disciplinary actions against Mr. Rousseau and pay Mr. Rousseau a fixed sum of money and certain specified benefits. In exchange, Mr. Rousseau agreed to retire, to drop all pending lawsuits and administrative complaints against the Town, and to “forever

forbear” and waive any right to institute legal proceedings, contractual, administrative or judicial. In the accompanying release he freed the town from any and all claims, liabilities, demands, and causes of action known and unknown that he may have or claim to have against the Town as a result of his employment or his retirement and separation from employment with the Town. Also, he agreed not to file a lawsuit against the Town to assert any such claims.

16. The respondents did not offer the settlement agreement and release as a bar to the complaint in this matter, and the Commission therefore declines in its discretion to address that issue.

17. It is found that Mr. Rousseau subsequently became dissatisfied with the terms of his settlement agreement, in particular the medical benefits he received as compared to the medical benefits accorded to more recent retirements, and the town’s refusal to provide him with a “retirement badge” that would, under federal law, permit him to carry concealed firearms.

18. It is found that, contrary to the complainant’s argument, the age of the requested record is not related to the speed with which it was provided to him.

19. It is found that the events between the complainant’s request in November 2017 and the provision of records in February 2018 explain the delay.

20. It is found that the complainant expressed no immediate need for the requested records, and that the eleven-year-old history of his dispute with the town does not suggest any urgency to the complainant’s current request for the records.

21. It is found that the February 2018 provision of records was prompt under the circumstances.

22. It is therefore concluded that the respondents did not violate the FOI Act as alleged.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of October 10, 2018.



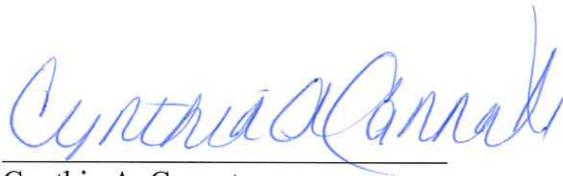
Cynthia A. Cannata  
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

**WILLIAM ROUSSEAU**, 407 Elmwood Drive, Windsor Locks, CT 06096

**POLICE COMMISSION, TOWN OF WINDSOR LOCKS; AND TOWN OF WINDSOR LOCKS**, c/o Attorney Carl T. Landolina, Fahey & Landolina, Attorneys LLC, 487 Spring Street, Windsor Locks, CT 06096



Cynthia A. Cannata  
Acting Clerk of the Commission