

Since 1975



# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
Toll free (CT only): (866)374-3617 Tel: (860)566-5682 Fax: (860)566-6474 • www.state.ct.us/foi • email: foi@po.state.ct.us

Douglas Fleming and Kevin Brolin,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2016-0664

Mayor, City of Middletown; and City of Middletown,  
Respondent(s)

January 10, 2017

## 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, February 8, 2017**. 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 January 27, 2017**. 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 January 27, 2017**. **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 January 27, 2017**, 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: Douglas Fleming and Kevin Brolin  
Attorney Kori Wisneski

FIC# 2016-0664/Trans/wrbp/VDH/TAH/2017-01-10

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Douglas Fleming and Kevin Brolin,

Complainants

against

Docket #FIC 2016-0664

Mayor, City of Middletown; and  
City of Middletown,

Respondents

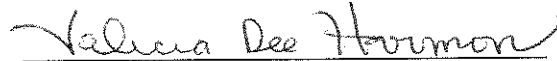
December 8, 2016

The above-captioned matter was scheduled to be heard as a contested case on November 28, 2016 at 1:00 P.M., at which time Attorney Kori Wisneski appeared on behalf of the respondents, but the complainants did not appear to prosecute the case.

The hearing officer notes that Attorney Wisneski represented that the respondents had spent considerable time searching for records responsive to the request. In fact, Attorney Wisneski represented that the respondents searched for responsive records over the course of three weeks, and ultimately provided some 1700 pages of records to the complainants. In addition, Attorney Wisneski represented that her paralegal had spent the better part of three days reviewing the disclosed records in order to prepare an in camera index and arrange the in camera records for lodging with the Commission. Finally, Attorney Wisneski represented that she had spent approximately two and a half hours performing legal research and generally preparing for the contested case hearing.

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.
2. The complainants are admonished for their failure to appear at the hearing in this matter, which failure resulted in a waste of scarce legal and state resources.

  
Valicia Dee Harmon  
as Hearing Officer