

Since 1975



FREEDOM OF INFORMATION



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

Notice of Meeting

Docket #FIC 2015-049

Commissioner, State of Connecticut, Department of
Correction; and State of Connecticut, Department of
Correction,

Respondent(s)

November 20, 2015

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, December 16, 2015**. 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 December 4, 2015**. 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 December 4, 2015**. **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 December 4, 2015**, 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: Mikey Pineda
James Neil, Esq.

11/20/15/FIC# 2015-049/Trans/wrbp/CAL/VDH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Mikey Pineda,

Complainant

against

Docket #FIC 2015-049

Commissioner, State of Connecticut,
Department of Correction; and
State of Connecticut, Department of Correction,

Respondents

November 19, 2015

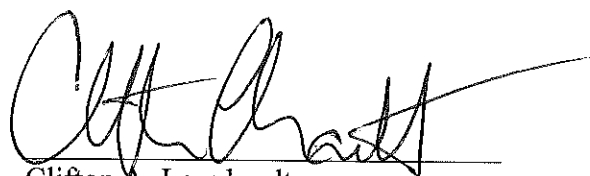
By letter dated March 5, 2015, the Commission advised the complainant that, unless he responded in writing, it would not take further action on his complaint because he had not alleged a violation of the Freedom of Information Act ("FOIA"). By letters dated March 10 and April 13, 2015, the complainant stated that he wished to pursue his complaint before the Commission.

Accordingly, the above-captioned matter was heard as a contested case on November 18, 2015, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. 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, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

At the hearing, the complainant testified that his written requests that were the basis of his complaint were for certain videotapes at a correctional facility to be preserved and not requests to receive copies of the videotapes. The testimony presented by the respondents was that the relevant videotapes have been preserved as requested. The respondents further stated that they would send the complainant a letter confirming the preservation of the relevant videotapes. The complainant testified that prior to the hearing he had not been informed that the relevant videotapes had been preserved, but now that he had been so informed, he wished to withdraw his complaint.

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

FIC2015-049/HOR/CAL/11192015