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# FREEDOM OF INFORMATION



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

Notice of Meeting

Docket #FIC 2013-527

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

April 16, 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, May 14, 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 May 2, 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 May 2, 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 May 2, 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: William A. Adsit, Esq.  
Kevin J. Daly, Jr., Esq.

2014-04-16/FIC# 2013-527/Trans/wrbp/KKR/TAH

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Marlik Mourning,

Complainant

against

Docket #FIC 2013-527

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

Respondents

March 6, 2014

The above-captioned matter was heard as a contested case on February 19, 2014, 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. It is found that, by letter dated August 20, 2013, the complainant requested copies of certain categories of records, numbered 1 through 7, related to "incident no. 03-62100."
3. It is found that, by letter dated August 23, 2013, the respondents acknowledged the request, and informed the complainant that it would be reviewed to determine if responsive records exist.
4. By letter dated August 30, 2013 and filed September 3, 2013, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (FOI) Act by failing to comply with the requests for records, described in paragraph 2, above.
5. At the hearing in this matter, the complainant stated that he had received all records responsive to items 1 through 4 of the request, described in paragraph 2, above, and that he wished to withdraw his complaint as it relates to such records. Accordingly, the complaint as it relates to such records shall not be further addressed herein.
6. It is found that the respondents conducted a thorough search for records responsive to numbers 5 through 7 of the request, and that they maintain no records responsive to numbers 5

and 7 of such request.<sup>1</sup> It is further found that the respondents provided all records they maintain responsive to number 6 of the request.<sup>2</sup>

7. Based upon the foregoing, it is concluded that the respondents did not violate the FOI Act as alleged in the complaint.

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.



Kathleen K. Ross  
as Hearing Officer

FIC 2013-527/hor/kkr/03062014

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<sup>1</sup> “5. Any written document(s)...used to request that Marshall Robinson take any investigative or other action related to incident No. 03-62100 and/or Case No. 2005-001360.”

“7. Any and all manuals, trade materials or other reference materials...related to any Taurus model 85 revolvers that Sgt. Marshall Robinson reviewed or relied upon to make each and every conclusion in the Supplementary Report dated Jan. 7, 2005....”

<sup>2</sup> “6. Any and all notes, photographs, photomicrographs, reports and/or any other records created by, for or at the direction of St. Marshall Robinson while he was investigating or preparing the Supplementary Report dated Jan. 7, 2005....”