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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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Gilbert Waugh,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0398

Connecticut Adjutant General, State of Connecticut,
Military Department; and State of Connecticut, Military
Department,

Respondent(s)

November 10, 2016

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 7, 2016**. 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 November 22, 2016**. 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 November 22, 2016**. **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 November 22, 2016**, 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: Gilbert Waugh
Assistant Attorney General Stephen R. Sarnoski

FIC# 2016-0398/Trans/wrbp/VDH/TAH/2016-11-10

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Gilbert Waugh,

Complainant

against

Docket #FIC 2016-0398

Connecticut Adjutant General,
State of Connecticut, Military
Department; and State of
Connecticut, Military Department,

Respondents


September 28, 2016

The above-captioned matter was scheduled to be heard as a contested case on September 27, 2016 at 2:30 P.M., at which time the respondents and their counsel appeared, but the complainant did not appear to prosecute the case.

The hearing officer notes that Attorney Stephen R. Sarnoski, counsel for the respondents, appeared at the hearing with seven witnesses. Specifically, it is noted that Attorney Sarnoski appeared with Lt. Colonel Timothy Tomcho, Staff Judge Advocate for the Connecticut National Guard; Antony Lewis, Human Resources Director for the Connecticut Military Department; and five military department employees, whose personnel records had been requested by the complainant. Attorney Sarnoski also represented that he had spent considerable time reviewing the records at issue in this case, meeting with his witnesses and preparing exhibits for the hearing. Finally, Attorney Sarnoski represented that, in addition to the time that he spent preparing for the hearing with his witnesses, the witnesses themselves had also spent approximately five hours searching for and reviewing records responsive to the request.

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 complainant is admonished for his failure to appear at the hearing in this matter, which failure resulted in a waste of scarce state resources.



Valicia Dee Harmon
as Hearing Officer