

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
)
Samuel Bellone, Complainant) Report of Hearing Officer
)
) Docket #FIC76-112
)
) August 2, 1976
)
Town of Stonington and Assessor)
of Town of Stonington,)
Respondents)

The above captioned matter was heard as a contested case on July 26, 1976, 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:

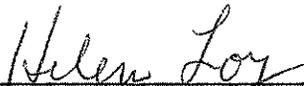
1. The respondents are public agencies.
2. On June 10, 1976, the complainant requested of the respondent assessor a copy of a document containing the net grand list, the mil rate and the number of dwellings recorded for the respondent town since 1955.
3. The respondent assessor provided the complainant with a two page photocopied document containing the information requested.
4. By invoice dated June 22, 1976, the respondent assessor charged the complainant \$1.00 for the first page and \$.60 for the second page of the copy of the requested document.
5. By letter of complaint filed with this Commission on June 25, 1976, the complainant alleged that this charge exceeds the cost thereof to the public agency and is therefore in violation of §5 of P.A. 75-342.
6. The complainant has not paid the aforesaid invoice.
7. The document is a public record within the meaning of §1(d) of P.A. 75-342.
8. The copying charge of \$1.00 for the first page and \$.60 for the second page of the requested document was based upon an estimate prepared by the respondent assessor. An actual cost analysis was never undertaken.
9. It is found that the charge of \$1.60 in this case, or \$1.00 for the first page and \$.60 for the second page, exceeds the actual cost to the respondent assessor of copying the requested document under P.A. 75-342.

10. Such excessive cost constitutes a denial of a copy of a public record for the purposes of according the complainant a right to appeal under §14 of P.A. 75-342.

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

1. The respondent assessor shall forthwith compute its actual cost of copying the document requested herein. In computing such cost, the respondent assessor shall include the following items only: actual personnel costs in retrieving, copying and returning to files the requested document; the actual cost of two 8½" x 11" sheets of photocopy paper; and the actual direct costs of operating the photocopy machine used in complying with the complainant's request herein, including, where applicable, the cost charged by the owner of the photocopying machine for two pages processed through such machine, and the prorated cost of rental, ink, chemicals and service charge.

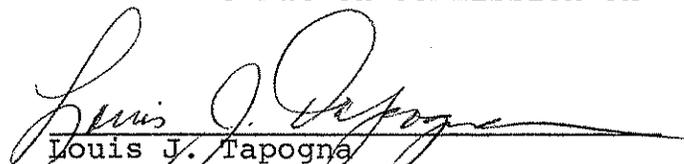
2. After completing the computation described in paragraph 1 of this order, the respondent assessor shall forthwith provide the complainant with a statement of the actual cost of photocopying the requested document and upon receipt of such statement, the complainant shall forthwith remit to the respondent assessor the amount of the actual cost of such copy.



Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on August 11, 1976.



Louis J. Tapogna
Clerk of the Commission