

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Richard H. Kosinski,) Report of Hearing Officer
Complainant)
) Docket #FIC76-187
against)
) November 24, 1976
City and Town of New Britain)
and Police Department of the)
City and Town of New Britain,)
Respondents)
)

The above captioned matter was heard as a contested case on November 23, 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 as defined in §1(a) of P.A. 75-342.

2. On October 7, 1976, the complainant requested in writing a copy of a 2-page police accident report, identified by the names of the parties involved and by date. This request was made to the clerk of the respondent police department's traffic division.

3. The clerk thereupon retrieved the requested document and showed it to the complainant.

4. The clerk then requested a fee of \$6.00 for copying the requested document. The complainant protested such charge as excessive and was directed to superior officers of the respondent police department.

5. Upon further protestation of the aforesaid fee, the complainant was informed that the respondent police department would mail the requested document and would bill him for the actual cost of copying same.

6. The complainant received the requested document on October 14, 1976 and was charged the sum of \$2.00 by invoice received October 21, 1976.

7. By letter of complaint filed with this Commission on

October 27, 1976, the complainant alleged that the charge of \$2.00 for the copy of the requested document was in excess of the actual cost to the respondent police department.

8. At the hearing on this complaint, the parties stipulated that the following elements are properly included in computing the actual cost of reproducing the requested documents: cost of paper at 3.2 cents; pro-rated rental cost of photocopy machine at .29 cents; pro-rated chemical cost used in photocopying at .466 cents; cost of postage stamp at 13 cents; cost of envelope at .7 cents; and the personnel costs in retrieving, copying and returning to files the requested document.

9. The questions remaining are: what was the actual time spent in retrieving, copying and returning to files the requested document; and what is the proper rate charge for such personnel time.

10. The respondents contend that since the clerk of the respondent police department's administrative division actually copied the requested document, her rate of pay plus fringe benefits is properly chargeable. The respondents also offered evidence that such clerk spent 10 minutes in retrieving, copying and returning to files the requested document.

11. It is found that but for the initial requested charge of \$6.00, the clerk of the traffic division would have complied with the complainant's request on October 7, 1976.

12. It is further found that only the pro-rated base salary of the clerk of the traffic division is properly chargeable as personnel costs in computing the respondent police department's actual cost under §5 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 police department shall forthwith recompute its actual cost of copying the requested document herein. In recomputing such cost, the respondent police department shall include the following elements only: cost of paper at 3.2 cents; pro-rated rental cost of photocopy machine at .29 cents; pro-rated chemical cost used in photocopying at .466 cents; cost of postage stamp at 13 cents; cost of envelope at .7 cents; and the pro-rated base salary of the clerk of the respondent's traffic division multiplied by the number of minutes it takes such clerk to retrieve, copy and return to files the requested document herein.

2. Upon recomputing the cost of copying the requested document as stated in paragraph 1 of this Order, the respondent

police department shall forthwith submit to the complainant an itemized bill of its charges in complying with his request herein.

Judith A Lahey
Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on December 8, 1976.

Louis J. Zapogna
Louis J. Zapogna, as Clerk of the
Freedom of Information Commission