

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Eugene M. Hope and Andrew J.) Report of Hearing Officer
Belotti, Complainants)
) Docket #FIC76-204
)
) against)
) December 17, 1976
)
City of Shelton and Finance)
Department of the City of)
Shelton, Respondents)

The above captioned matter was heard as a contested case on December 13, 1976, at which time the complainants 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 November 15, 1976, the complainant Belotti orally requested of the clerk of the respondent department copies of certain budgetary records, vouchers, cancelled checks and related ordinances.

3. The clerk of the respondent department referred complainant Belotti to the mayor's administrative assistant who, by written directive dated November 12, 1976, is to receive all requests for copies of printed material. When complainant Belotti went to the administrative assistant's office, he was informed that the administrative assistant was not in and that he should reduce his request to writing.

4. On November 16, 1976, complainant Belotti submitted in writing his request for the aforesaid documents.

5. The aforesaid documents are public records as defined in §1(d) of P.A. 75-342.

6. On November 22, 1976, complainant Belotti received a partial compliance to his request consisting of 15 pages of budgetary record reports and related ordinances. He was advised that copies of the requested vouchers and cancelled checks were not yet available but would be forthcoming.

7. Complainant Belotti was charged, and remitted, \$5.75 for the 15 pages of copies he received. This charge

was based upon a copying fee of 25 cents per page plus personnel time in retrieving, photocopying and returning to files the documents requested. Such personnel time was computed on the basis of 40 minutes of time spent at the rate of \$3.00 per hour salary.

8. By letter received December 4, 1976, complainant Belotti was informed that the remaining portion of the copies requested were available as of December 1, 1976.

9. The charge for the second portion of copies amounts to \$16.90 based upon a copying fee of 25 cents per page for 54 pages plus personnel time at \$3.00 per hour for 1 hour and 9 minutes in retrieving, photocopying and returning to file the documents requested.

10. By letter of complaint filed with this Commission on November 26, 1976, the complainants, who are public officials of the respondent city, alleged that they did not receive the requested documents within a reasonable time, that the fee charged to them was excessive and that, as city officials, they should not be charged any fee for copies of public financial data.

11. Considering the nature of the documents requested herein, it is found that the respondents tendered compliance within a time period permissible under P.A. 75-342, even though it seems that the respondents could have complied earlier since it took only a total of 1 hour and 49 minutes to retrieve, photocopy and return to files the requested documents.

12. It is further found that the complainants did not request a waiver of fee pursuant to §5 of P.A. 75-342. Consequently, the respondents were not obliged under that provision to consider such a waiver.

13. At the hearing on this complaint, the complainants did not contest the personnel time spent or the rate thereof in computing the fee for copying the requested documents. They did, however, assert that the charge of 25 cents per page, exclusive of such personnel time, is excessive and in violation of §5 of P.A. 75-342.

14. In the absence of any evidence as to the respondents' actual photocopying costs, it is found that the fee of 25 cents per page, exclusive of personnel time, exceeds the cost thereof to the respondents and is in violation of §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:

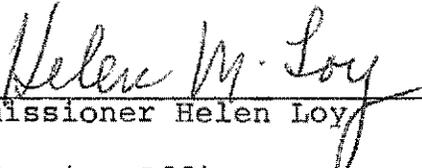
1. The respondents shall forthwith compute its actual cost, exclusive of personnel time, of copying the documents requested herein. In computing such cost, the respondents shall include the following elements only: the actual cost of the photocopy paper used; and the pro-rated cost of operating the photocopy machine used, including the cost of rental, ink, chemicals and service contract, if any.

2. Upon completing the computation described in paragraph 1 of this Order, the respondents shall forthwith provide the complainants with a statement of its actual cost, including personnel time, of copying all of the documents requested herein.

3. The complainants shall thereupon remit to the respondents the difference between the amount paid to date and such actual cost of copying the documents requested herein.

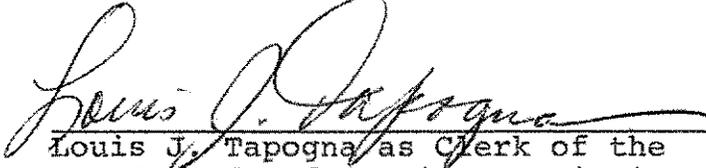
4. Upon receipt of the remittance described in paragraph 3 of this Order, the respondents shall forthwith tender the remainder of the copies of documents requested herein.

5. Nothing herein shall be construed to prohibit the respondents from waiving any fee required in this decision in accordance with §5 of P.A. 75-342.



Commissioner Helen Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission on
January 12, 1977.



Louis J. Tapogna as Clerk of the
Freedom of Information Commission