

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Senior Citizens Unlimited,  
Complainant

Report of Hearing Officer

against

Docket #FIC78-124

State of Connecticut; and the  
State Commissioner of Motor  
Vehicles,

September 27, 1978

Respondents

The above captioned matter was heard as a contested case on September 5, 1978, at which time the complainant and the commissioner appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The commissioner is a public agency as defined by §1-18a(a), G.S.
2. By letter dated April 12, 1978, the complainant requested from the commissioner the name, address (including zip code) and date of birth of all persons holding active driver's licences issued by the State of Connecticut who are above the age of 59.
3. By letter dated June 8, 1978, the commissioner told the complainant that his department does not sell any listings of drivers which will be used for commercial purposes.
4. From such response, the complainant brought the present appeal by letter filed with this Commission on June 26, 1978.
5. The requested records concern some 350,000 holders of motor vehicle licenses with the State of Connecticut.
6. At the hearing, the commissioner agreed to provide the requested information at a fee of \$0.50 per name as authorized by §14-50a(a), G.S.
7. The complainant first contends that the aforesaid fee exceeds the fee that may be charged for copy pursuant to §1-15, G.S. The complainant contends that because §1-15, G.S. was enacted by the General Assembly after its enactment of §14-50a, G.S., §1-15 must therefore be controlling.

8. In deciding a similar matter, In the Matter of a Complaint by Joe Mazzafera against State of Connecticut; and Commissioner of Motor Vehicles of the Department of Motor Vehicles, FIC Docket #77-44; the Commission used the following well settled principle of statutory construction: specific terms concerning a given subject matter will prevail over the general language of the same or another statute which might otherwise prove controlling.

9. §14-50a(a)(10), G.S. is specific in its terms. It applies only to the commissioner. It provides specifically that the commissioner shall charge a \$0.50 fee for abstracts of operator license information.

10. In view of the above, it is found that this Commission is without authority to order the commissioner to charge any fee for copy provided for under §1-15, G.S.


11. The complainant next contends that the commissioner abused his discretion in failing to provide the requested information at a reduced rate as permitted by §14-50(a), G.S.

12. §14-50(a), G.S. permits the commissioner to establish fees not conforming to those provided in §14-50a(a)(10), G.S. "... for information furnished on a volume basis to persons or firms who satisfy the commissioner that the information furnished is properly required in connection with the conduct of such person's or firm's business."

13. It is further found that this Commission is without jurisdiction over an alleged abuse of discretion by the commissioner relating to decisions made by him pursuant to the provisions of §14-50a(b), G.S.

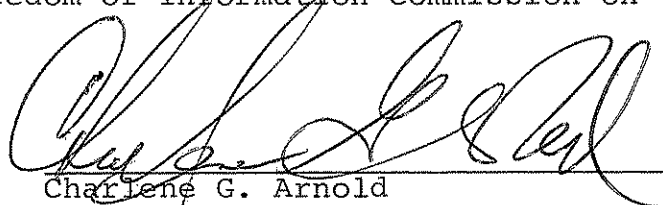
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

- 1. The complaint is hereby dismissed.

  
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Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on October 11, 1978.

  
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Charlene G. Arnold  
Clerk of the Commission