

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Paula Mackin Cosgrove,)
Complainant)
)
against)
)
City and Town of Hartford and)
City Manager of the City and)
Town of Hartford, Respondents)

Report of Hearing Officer
Docket #FIC77-62
May 10, 1977

The above captioned matter was heard as a contested case on April 29, 1977, at which time the complainant and the respondents appeared, stipulated to certain facts, 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 by §1-18a(a), G.S.
2. On March 3, 1977, the complainant, Paula Mackin Cosgrove, requested on behalf of her client, The Coalition for Equal Employment, copies of 17 categories of documents contained in the files of the respondent city manager.
3. By same letter, the complainant, Paula Mackin Cosgrove, further requested on behalf of the same client, that the respondents waive the fee for the production of copy as provided in §1-15, G.S.
4. By letter filed with the Commission on March 16, 1977, the complainant Cosgrove appealed from the respondents failure to respond to the aforesaid request within four business days, treating it as a denial thereof.
5. At the hearing herein, there was some confusion as to who was the party complainant for purposes of the within appeal.
6. It is found that the Coalition for Equal Employment is the real complainant herein.
7. Ms. Cosgrove first contended that her client was an indigent within the meaning of §1-15, G.S. and therefore entitled to the requested copies free of charge as further provided for in §1-15, G.S.
8. §1-15, G.S. states in pertinent part: "The public agency shall waive any fee provided for in this section when (1) the person requesting the records is an indigent individual ...".

9. The respondents contend that the complainant Coalition is not an individual within the meaning of the statute and therefore there can be no question of indigency thereunder.

10. The word "person" is statutorily defined in §1-18a(c), G.S., for purposes of P.A. 75-342 as codified in Chapter 3 of the General Statutes, and includes within its meaning a natural person, partnership, corporation, association or society.

11. The word "individual" is not statutorily defined for purposes of P.A. 75-342, as codified in Chapter 3 of the General Statutes.

12. Nontechnical statutory words and phrases must be construed according to the commonly approved usage of language.

13. Black's Law Dictionary states that the term "individual" denotes "... a private or natural person as distinguished from a partnership, corporation, or association ...".

14. It is found that the Coalition for Equal Employment is not an individual within the meaning of §1-15, G.S.

15. It is therefore concluded that the provisions of §1-15, G.S. concerning indigency do not apply to the complainant coalition.

16. The complainant lastly contends that the aforesaid request benefits the general welfare under §1-15(3), G.S. and that therefore the respondents should be required to waive the fee for copy as further provided in §1-15, G.S.

17. In the judgment of the respondents, compliance with the complainant's request does not benefit the general welfare.

18. It is therefore found that the provisions of §1-15, G.S. concerning waiver of the fee for copy do not apply to the complainant coalition under §1-15(3), G.S.

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

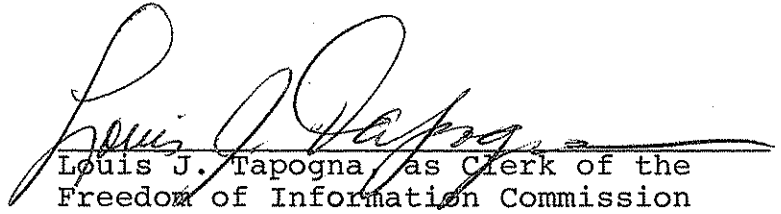
1. The complaint is hereby dismissed.
2. The Coalition for Equal Employment shall be named, in lieu of Paula Mackin Cosgrove, as the party complainant to the within appeal.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission
on May 25, 1977.



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