

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Barry L. Thompson, Complainant ) Report of Hearing Officer  
 )  
against ) Docket #FIC77-57  
 )  
Town of East Hartford and Chief ) April 25, 1977  
of Police of Town of East )  
Hartford, Respondents )

The above captioned matter was heard as a contested case on April 14, 1977, at which time the complainant and the respondent chief of police appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent chief of police is a public agency within the meaning of §1-18a(a), G.S.
2. On February 9, 1977, Thomas C. Marshall, of the law firm of Weber and Marshall, requested a copy of a two page accident report from the respondent chief of police.
3. The respondent chief of police set \$6.42 as the fee therefor.
4. By letter dated February 24, 1977, Barry L. Thompson, also a member of the same firm, attempted to negotiate the aforesaid assessed charge with the respondents, citing a recent decision of this Commission concerning the fee for copy.
5. The respondent chief of police, through his department, received the above negotiation letter on February 28, 1977. Some time thereafter, the respondents reassessed the complainant in the amount of \$8.56.
6. From such reassessment, and by letter of complaint filed herewith on March 10, 1977, the complainant, Barry L. Thompson, appealed to this Commission alleging that the charge of \$8.56 exceeded the actual cost to the respondents, in violation of §1-15, G.S.
7. It is not clear from the record whether or not the aforesaid charge of \$8.56 has been paid.
8. The respondent chief of police moved to dismiss this appeal on two counts: a. That the complainant, Barry L. Thompson, did not have standing to bring the present appeal pursuant to a request made by another member of the same law

firm; b. That the complainant did not have standing to bring the present appeal on behalf of clients or prospective clients of the aforesaid firm.

9. The aforesaid request was made to ascertain the viability of a law suit which, if so determined, would be brought by a member of the complainant's law firm in his or her representative capacity on behalf of a person or persons seeking legal representation.

10. §1-15, G.S. states: "Any person applying in writing shall receive, promptly upon request, a plain ... copy of any public record."

11. §1-18a, G.S. defines "person" as follows: "'Person' means natural person, partnership, corporation, association or society."

12. It is found that the law firm of Weber and Marshall is the real complainant herein.

13. It is further found that the complainant firm is a "person" within the meaning of §1-18a, G.S.

14. It is therefore concluded that the complainant does have standing to bring the present appeal.

15. Accordingly, the motion to dismiss of the respondent chief of police is denied.

16. The respondent chief of police did not produce any evidence at the hearing herein relating to the cost of producing the aforesaid requested copies.

17. An analysis of actual costs was a fact peculiarly within the knowledge of the respondent chief of police.

18. An accident report is a public record within the meaning of §1-18a(d), G.S.

19. It is further found that the copying charge of \$8.56, or \$4.28 per page, exceeds the actual cost of copying the requested record under §1-15, G.S.

20. 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 §1-21i, G.S.

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

1. The law firm of Weber and Marshall shall be named, in lieu of Barry L. Thompson, as the party complainant to the within appeal.

2. The respondent chief of police shall forthwith compute the actual cost of copying. In computing such cost, the respondent chief of police shall include the following items only: actual personnel costs in retrieving, copying and returning to files the

requested document; the actual cost of photocopy paper, and the estimated cost of operating its photocopy machine, including the cost of rental, ink, chemicals and service contract.

3. After completing the computation described in paragraph 2 of this order, the respondent chief of police shall forthwith provide the complainant and this Commission with a statement of the actual cost of photocopying the requested record and, if the assessed charge of \$8.56 was paid, shall forthwith remit to the complainant the amount of overcharge in excess of the actual cost of such copy.

*Judith Lahey*

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Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
May 11, 1977.

*Louis J. Tapogna*

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