

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Curtis Frazier, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-80
)	
Town of Vernon and Vernon Police)	June 13, 1977
Department, Respondents)	

The above captioned matter was heard as a contested case on May 23, 1977, at which time the complainant and the respondent department appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent department is a public agency as defined by §1-18a(a), G.S.

2. On April 1, 1977, the complainant requested from the respondent department a certified copy of a certain two page report. He further requested that the fee for production of such copy be waived due to his particular financial condition.

3. The respondent department did not waive its fee. The complainant was charged \$5.35 and has fully paid the same.

4. By letter of complaint filed with this Commission on April 14, 1977, the complainant alleged that the fee charged to him exceeded the actual cost to the respondent department for production of such copy.

5. By same letter, the complainant further alleged that the respondent department was required to waive its fee under §1-15, G.S.

6. The issue of cost was no longer a matter in controversy at the time of the hearing herein as the respondent department has agreed to charge the complainant \$.10 per page by remitting to him the amount of \$5.15.

7. The sole issue raised by the parties herein is the question of whether or not the respondent department was required to waive its fee under §1-15, G.S.

8. §1-15, G.S. states that "The public agency shall waive any fee provided for in this section when (1) the person requesting the records is an indigent individual, ...".

9. Although the respondent department has, consistent with the requirements of §1-15, G.S., implemented a method of computation relating to its actual cost for production of copy, it has, as yet, set up no procedure to determine the validity of an application for waiver of fee presented by a purportedly indigent individual.

10. It is found that §1-15, G.S. requires the respondent department to determine, in the first instance, whether or not the complainant is an indigent individual when a claim of indigency is made.

11. The respondent department did not consider the complainant's application for waiver and has asked this Commission to determine indigency in the first instance at the hearing herein.


12. It is further found that the respondent department's failure to consider the aforesaid request for waiver constituted a violation of the complainant's rights under §1-15, G.S.

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

1. If the complainant has not already been sent the stipulated remittance, the respondent department shall forthwith remit to the complainant the sume of \$5.15.

2. The respondent department shall forthwith institute a procedure whereby it can determine questions of indigency relative to a §1-15, G.S. request for fee waiver, as required by §1-15, G.S.


3. All parties hereto are advised that this Commission ordinarily will not look behind the finding of a public agency in its determination of indigency, or lack thereof, if such finding is based upon a determination process that is fair and adequate to the rights of all parties relative to that issue.



Commissioner Helen M. Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on
June 22, 1977.



Mitchell W. Pearlman as Acting
Clerk of the Commission