

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Sam A. Grestini

Docket #FIC81-110

Complainant(s)

against

City and Town of West Haven
and City Clerk of the City
and Town of West Haven

Respondent(s)

January 27, 1982

The above captioned matter was scheduled for hearing October 27, 1981 at which time the parties appeared and presented evidence and argument on the complaint.

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

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. By letter filed with the Freedom of Information Commission June 18, 1981, the complainant alleged violations of the Freedom of Information Act by the respondent.

3. The complainant requested of the respondent copies of pages of a petition which contained marks on the left margins which indicate the acceptance or rejection by the respondent of the signatures of the voters signing the petition.

4. The respondent provided the complainant with 111 sheets of signatures and the complainant paid the fifty-six dollar fee requested by the respondent.

5. The complainant complains to the Commission that the marks on the left margin are not visible and asks that the respondent be ordered to make new copies which adequately show the marks on the right hand side.

6. The complainant further requests that the Commission order that the copies be made without charge because the copies originally provided were defective.

#FIC81-110 cont'd

7. The Commission takes administrative notice of two aspects of the operation of xerox machines presently available in most offices.

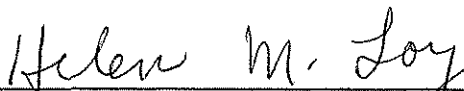
- a) material which is located in the margins of standard sized sheets of paper often will not reproduce in a clear fashion.
- b) if the marginal portions of the material being xeroxed is moved toward the center of the glass portion of the copying machine a clear copy is obtainable.

8. It is found that clear copies could be obtained if the respondent will xerox each of the requested copies in two operations so that the marginal material is clearly reproduced.

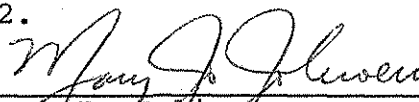
9. The production of a clear copy will involve cutting and pasting the two sheets together so that their parts create a clear copy of each sheet of signatures.

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

1. The respondent shall by xeroxing each page in two operations and cutting and pasting the copies together provide the Complainant with clear copies of the one-hundred and eleven pages of signatures.
2. While the complainant did not allege that the amount paid for the copies was too high, the Commission notes that §1-15, G.S. rather than §7-34a governs the cost of the copies which are the subject of the instant complaint. The cost of the copies should have been \$27.75 rather than \$56.00. The Commission therefore urges the respondent to refund the amount in excess of the \$27.75 which has already been paid by the Complainant. The Commission attaches to this report a copy of its Advisory Opinion #30 to clarify the relationship between the provisions of §7-34(a), G.S. and §1-15, G.S.


 Commissioner Helen M. Loy & s
 Hearing Officer

Approved by order of the Freedom of Information Commission at its regular meeting of March 10, 1982.


 Mary Jo Golicœur
 Clerk of the Commission