

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by) FINAL DECISION
Attorney Helen Z. Pearl,)
Complainant)
)
against) Docket #FIC 83-57
)
Town of Newington and the)
Police Department of the) August 26, 1983
Town of Newington,)
Respondents)

The above captioned matter was heard as a contested case on July 5, 1983, at which time the complainant and the respondent department appeared and stipulated to certain facts.

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. By letter dated March 17, 1983, a member of the complainant's law firm requested of the respondent department a copy of a certain motor vehicle accident report.

3. In response to the foregoing request, the respondent department sent a bill to the complainant's law firm, which bill included a \$2.00 service charge, in addition to a 25 cent per page fee, for copying the requested record.

4. By letter addressed to the chief of the respondent department and dated April 5, 1983, the complainant protested the imposition of the \$2.00 service charge and noted that such an additional charge contradicts earlier rulings of the Commission.

5. By letter addressed to the complainant and dated April 5, 1983, the chief of the respondent department noted the complainant's letter described more fully in paragraph 4, above, and stated that the policy establishing the \$2.00 service charge for copying records would remain in effect.

6. By letter filed with the commission on April 15, 1983, the complainant alleged that the respondent department's imposition of the \$2.00 service charge for copying public records constitutes a violation of §§1-15 and 1-19(a), G.S.

7. At the hearing on this complaint, the respondent department stipulated to the foregoing facts.

8. The respondent department also stipulated that such facts constitute a violation of §§1-15 and 1-19(a), G.S., and further agreed that henceforth it shall charge no more than the fees set forth in §-15,G.S., as the cost for copying public records.

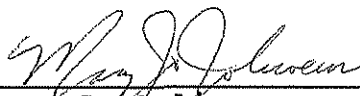
9. It is therefore found that the respondent department violated §§1-15 and 1-19(a), G.S., by imposing a \$2.00 service charge, in addition to a 25 cent per page fee, for copying public records.

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

1. Henceforth, the respondent department shall charge no more than the fees set forth in §1-15, G.S., as the cost for copying public records.

2 The Commission notes that this complaint well could have been avoided if the respondent department had consulted with counsel upon receiving the complainant's letter described more fully in paragraph 4 of the findings, above. Because of that omission, not only the complainant, but the Commission, and indeed the respondent town itself, had to expend resources unnecessarily. The Commission believes that these resources, at least with respect to the public agencies involved, could have been better spent on more pressing matters in the public interest.

Approved by order of the Freedom of Information Commission at its regular meeting of August 24, 1983.



Mary Jo Jolicoeur
Clerk of the Commission