

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Mrs. Robert DeBeradinis,) Report of Hearing Officer
Complainant)
) Docket #FIC76-131
against)
)
Town of Newtown and Newtown) October 13, 1976
Planning and Zoning Commission,)
Respondents)

The above captioned matter was heard as a contested case on September 1, 1976, at which time the complainant and respondents appeared 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.
2. By letter dated July 20, 1976, the respondents demanded prepayment of \$9.00 as a reasonable cost for furnishing the complainant with notice by mail of the meetings of the respondent commission for one year, pursuant to a prior order of this Commission in docket #FIC76-89.
3. By letter of complaint filed with this Commission on July 26, 1976, the complainant alleged that a \$9.00 prepayment was not a reasonable charge for providing her with notice by mail.
4. The complainant requests that she receive by mail one copy of the annual notice of regular meetings and all notices of special meetings of the respondent commission.
5. It is found that a charge of 53 cents for each mailed notice is a reasonable cost based upon the respondent's estimated cost of providing this service.
6. It is further found that there is no reasonable basis upon which the respondents can pre-determine the number of meetings for which the requested notice would be necessary in any one year period. Consequently, the charge of \$9.00 in this case, which was premised on nothing more than a guess of 18 meetings, is arbitrary and therefore unreasonable.

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

1. The respondents may charge the complainant 53 cents for each notice of the meetings of the respondent commission requested and mailed to the complainant.


2. The respondents shall not charge to the complainant billing charges incurred, if any.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on
October 27, 1976.



Louis J. Tapogna
as Clerk of the Commission