Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by Edward A. Peruta, Complainant	)	Report of Hearing Officer
against	)	Docket #FIC77-86
City and Town of Hartford and Police Department of the City and Town of Hartford, Respondents	)	~~June~~ May 27, 1977

The above captioned matter was heard as a contested case on May 26, 1977, at which time the complainant and the respondents appeared, stipulated to certain facts, 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 as defined by §1-18a(a), G.S.

2. By letter received by this Commission on April 25, 1977, the complainant alleged that on April 25, 1977 he was charged a fee by the respondent police department, in excess of actual cost, for plain copy of a two page accident report.

3. The complainant was charged $4.00 for the aforesaid requested copy.

4. Such fee has been paid.

5. At the hearing herein, the respondent police department provided a cost analysis of its reproduction cost for requested public records.

6. The average personnel costs in retrieving, copying and returning to its files requested documents were included as an item of cost.

7. Such average personnel cost is computed at $3.90.

8. The complainant contends that such average personnel cost exceeds the actual personnel cost for processing his particular request herein, and therefore violates the requirement under §1-15, G.S.

9. Pursuant to a prior order of this Commission in Barbara J. Johnson against City and Town of Hartford and Police Department of the City and Town of Hartford, docket #FIC76-149, the respondents were ordered to compute their actual cost under §1-15, G.S. by including as an item of cost therein their average personnel costs relating to the processing of requests for documents.

10. It is found that the respondent police department charged the complainant herein a fee which does not exceed the actual cost of copying such document within the meaning of §1-15, G.S.

11. It is therefore concluded that the complainant has not been denied a public record for purposes of the present 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 complaint is hereby dismissed.

Judith Lahey
Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on June 8, 1977.

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