FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Joseph Volak, Complainant	Report of Hearing Officer
against	Docket #FIC77-129
Board of Education of the Town of Berlin, Respondent	July 27, 1977

The above captioned matter was heard as a contested case on July 20, 1977, at which time the complainant and the respondent board appeared and presented testimony, exhibits and argument on the complaint.

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

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

2. On June 9, 1977, the complainant requested from the respondent board copies of its current photography contracts for yearbooks and current contracts with yearbook printing companies for the Berlin High School.

3. By letter of complaint filed with the Commission on June 27, 1977, the complainant alleged that the respondent board failed to send the requested documents by mail within four business days and sought to charge him an excessive fee for the production of such copies.

4. The requested documents consist of three pages.

5. At the hearing herein, the respondent board reduced its fee for the production of such documents from $1.00 per page to 20¢ per page.

6. §1-15, G.S. states that "...the fee for any copy... shall not exceed twenty five cents per page."

7. It is found that 20¢ per page does not exceed the cost that may be charged under §1-15, G.S.

8. §§1-21i(a), G.S. states that the public agency official who has custody or control of a requested public record must notify the person requesting such document, in writing within four

business days whether there will be a denial thereof.

9. The superintendent of schools of the respondent board is the custodian of the aforesaid requested records.

10. The complainant did not receive the notification prescribed by §1-21i(a), G.S.

11. §1-15, G.S. states, in pertinent part, "that any person applying in writing shall receive, promptly upon request, a plain ... copy of any public record." (emphasis added).

12. The respondent board offered no defense to the disclosure of such documents under §1-19(b), G.S. It is therefore concluded that such documents are public records as defined by §1-18a(d) and §1-19(a), G.S.

13. The office of superintendent first telephoned the complainant, relative to his June 9, 1977 request, only several days prior to the June 27, 1977 filing of the present complaint.

14. At the hearing herein there was no evidence presented that there was any other communication between the parties relative to the within request and, at the conclusion thereof, the complainant had not as yet received such records.

15. It is found that the complainant has not promptly received from the respondent board copies of the aforesaid requested public records within the meaning of §1-15, G.S.

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

1. The respondent board shall forthwith send the complainant, by mail, the three pages of copy that were the subject of his June 9, 1977 letter of request.

2. The fee for the production of the copies referred to in paragraph 1 of the Order above shall be 60¢. In addition, the respondent board may compute the following elements of cost only: cost of postage stamp at 13 cents; cost of envelope at the actual cost to the respondent board for such envelope.

3. The Commission notes that the parties have wasted Commission time to resolve a dispute amounting to less than a dollar, at a cost to state and local taxpayers that already has exceeded several hundred dollars and that could well exceed

several thousand dollars. It is hard to coneeive of any justification for such action. It is hoped that the parties will begin using this Commission according to its original legislative purpose, that is, the determination of substantive rights relative to real questions of the public's right of access to the records and meetings of public agencies.

Judith Lahey
Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on August 10, 1977.

Charlene G. Arnold, Clerk
Freedom of Information Commission