FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by John Kohler, Complainant	)	Report of Hearing Officer
against	)	Docket #FIC77-236
State of Connecticut; and the Department of Corrections of the State of Connecticut; and the Business Manager of the Department of Corrections of the State of Connecticut, Respondents	)	April 17 , 1978

The above captioned matter was consolidated with docket #FIC77-237 because of the similarity of issues in both cases. The were heard on January 17, 1978 at which time the complainant and the respondent 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 within the meaning of §1-18a(a), G.S.

2. By letter dated November 28, 1977 the complainant requested that copies of certain documents be furnished him the respondent business manager free of charge because he was indigent.

3. The request for documents included copies of itemized financial reports including deposits, expenditures and all other transactions for the Inmate Welfare Fund and the Activity Fund for the fiscal year 1976 and 1977; copies of documents showing the names of all trustees, executives, and/or financial managers of the aforementioned funds; and copies of all paid invoices and/or receipts of purchases made by the Inmate Commissary for items for resale to inmates for the months of June and July 1977.

4. An affadavit of poverty accompanied the request for documents.

5. Having received no response from the respondent business manager, the complainant filed an appeal with this Commission on December 12, 1977.

6. At hearing the respondent alleged that he was not required to comply with the complainants request because it is unreasonable.

7. The respondents further claimed that the complainant was not indigent and therefore, that if any documents were required to be furnished that the complainant would have to pay charges as set forth in §1-15, G.S.

8. The respondents made the determination that the complainant is not indigent on the basis of five factors: (1) the complainant is a prison inmate; (2) he is furnished food, clothing, housing, and medical care at state expense; (3) he has a job which pays $.75 per day; (4) the balance in the complainants institutional account has ranged from zero to a high of approximately $100.00, and the balance was reduced just prior to the complainant's undertaking his appeal to this commission; (5) the complainant owns a television set, a radio, and a typewriter.

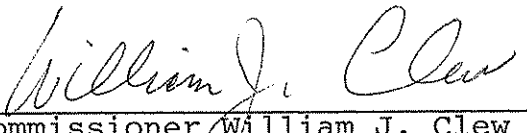
9. It is found that the respondent commissioner's determination that the complainant is not indigent is not unreasonable under the facts of this case.

10. It is further found that the records of which the complainant requested copies are public records within the meaning of §1-18a(d), G.S., §1-19(a), G.S. and that copies must be made available to the complainant in accordance with §1-15, G.S.

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

1. The complaint is hereby dismissed without prejudice. In view of the costs which would accrue to the complainant as a result of the respondents' compliance, the Commission wants to give him an opportunity to narrow the scope of his request if he wishes to do so.

2. The finding and order in this report shall be limited to the facts presented at hearing. It should not be construed to mean that the Commission would find reasonable a determination that all prisoners are not indigent.



Commissioner William J. Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on April 26, 1978.

Charlene G. Arnold, as Clerk of the Freedom of Information Commission