

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Herbert Gliick,

FINAL DECISION

Complainant

Docket #FIC84-84

against

December 20, 1984

Department of Motor Vehicles
of the State of Connecticut,

Respondent

The above captioned matter was heard as a contested case on July 17, 1984 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 respondent is a public agency within the meaning of §1-18a(a), G.S.
2. By letter dated May 7, 1984 the complainant made a request of the respondent for a magnetic tape copy of its list of boat registrants.
3. By letter dated May 11, 1984 the respondent offered to make available a complete list, consisting of 169,818 names, at a cost of \$.50 per name.
4. By letter of complaint filed with the Commission on May 18, 1984 the complainant appealed the respondent's imposition of a fee of \$.50 per name.
5. It is found that in 1979 and again in 1982 the respondent provided the complainant with magnetic tapes of its boat registrant lists for a fee of \$180, such fee reflecting the cost to the respondent of preparing the tape.
6. §14-50a(a), G.S., entitled "[f]ees for copies, abstracts, duplicates and replacements," provides that the commissioner of motor vehicles shall charge \$.50 for "[n]ame of registered owner," and "10. [o]perator license information."

7. §14-50a(b), G.S., provides that "[t]he commissioner may establish fees not conforming to those of subsection (a). . . for information furnished on a volume basis to persons or firms who satisfy the commissioner that the information furnished is properly required in connection with the conduct of such person's or firm's business."

8. On or about January 18, 1983 the commissioner of the respondent published a policy which stated as follows: "Section 14-50a establishes a fee for the 'name of registered owner, \$.50' and for 'operator license information, \$.50'. The Department of Motor Vehicles will furnish any file which it may have of motor vehicle operators or registered owners of motor vehicles at a fee of \$.50 per name appearing on any such file at the convenience of the Department of Motor Vehicles."

9. The respondent claims that the use of "shall" in §14-50a(a), G.S. and the use of "may" in §14-50a(b), G.S. indicates that the imposition of a lower fee is within the discretion of the commissioner of motor vehicles, and that the department itself must act pursuant to the commissioner's directive to charge \$.50 per name.

10. The complainant claims that imposition of a fee of approximately \$84,000 effectively denies access to the requested material. The complainant also claims that the copying of a magnetic tape was not contemplated by the legislature when it enacted §14-50a(a).

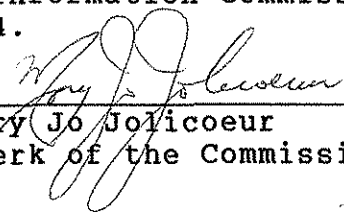
11. It is found that the complainant's request is for a copy of a magnetic tape, not for names of individual registered owners or operator license information within the meaning of §14-50a(a), G.S.

12. It is concluded that the copying of the magnetic tape in question is governed by the general language of §1-15, G.S., which provides that the fee for a printout or transcription of a public record shall not exceed the cost thereof to the public agency.

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

1. The respondent shall forthwith provide the complainant with a magnetic tape copy of its list of boat registrants at a fee not to exceed the cost of such tape to the respondent.

Approved by order of the Freedom of Information Commission at its regular meeting of December 12, 1984.



Mary Jo Jolicoeur
Clerk of the Commission