Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by	)	
New Haven Journal-Courier,	)	
Complainant	)	Report of Hearing Officer
against	)	Docket #FIC75-27
City of Bridgeport and Frank A.	)	January 6, 1976
Mercaldi, Building Official,	)	
Respondent	)	

The above captioned matter was heard as a contested case on December 29, 1975, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the evidence the following facts are found:

1. The respondents are public agencies as they are the City of Bridgeport and the Building Official thereof.

2. By letter dated November 27, 1975, the complainant requested of the respondents Building Official access to inspect the plans and specifications in the possession of the respondent City of Bridgeport relative to the construction of the jai alai fronton on Kossuth Street in the City of Bridgeport.

3. On December 4, 1975, the complainant's employee in the company of an engineer and an architect visited the office of the respondents during normal business hours and were refused access to such plans and specifications.

4. The complainant seeks relief by way of access to inspect the plans, drawings, and specifications for the construction of the jai alai fronton on Kossuth Street in Bridgeport, for which the Bridgeport Building Department has issued a series of building permits.

5. The documents which the complainant seeks to inspect are public records as defined by section 1(d) of P.A. 75-342.

6. The respondents contend that Article 107.9 of the State Basic Building Code exempts from disclosure the documents sought herein pursuant to section 2(a) of P.A. 75-342. While this code is made applicable to all municipalities by authority of section 19-395e of the General Statutes, Article 107.9 remains a regulation of a state agency and is not a statute within the meaning of section 2(a) of P.A. 75-342. For this reason it is found that no exemption exists under section 2 of P.A. 75-342 by which the respondents may withhold such documents from public inspection or copying.

7. On the basis of the record, it is found that the public records requested are not the repositories of any trade secrets that are subject to exemption from inspection under P.A. 75-342.

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

1. The respondents shall forthwith make available to the complainant for inspection or copying the plans, drawings, and specifications for the construction of the jai alai fronton on Kossuth Street in the City of Bridgeport.

2. The complainant shall be permitted to conduct such inspection during the normal business hours and at the office of the respondent Building Official.

3. The complainant shall be permitted to conduct such inspection by means of reporters, engineers, architects, and any other persons having technical expertise for that purpose.

Helen Loy

Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on January 14, 1976.

Louis Tapogna

Louis Tapogna, Clerk of the Commission