

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Helen Z. Pearl,

Complainant

Report of Hearing Officer

against

Docket #FIC79-89

Town of Manchester; Building
Department of the Town of
Manchester; and Chief Building
Inspector of the Town of
Manchester,

September 26, 1979

Respondents

The above captioned matter was heard as a contested case on September 18, 1979, at which time the complainant and the respondents 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 as defined by Sec. 1-18a(a), of the Conn. Gen. Stats.

2. On April 19, 1979 the complainant filed a letter of complaint with the commission in which she alleged a denial of her right to a copy of certain records held by the respondent department in violation of Sec. 1-19(a), G.S. The alleged violation occurred on the same day, April 19, 1979.

3. The facts of the complaint were stipulated by both parties and are not in dispute.

4. On April 19, 1979 the complainant made a written request to the respondent chief building inspector of the Town of Manchester for a copy of a plot survey of certain premises in the Town of Manchester.

5. The said plot survey was and is held in the files of the respondent chief building inspector.

6. The respondent refused to provide the complainant with a copy of the plot survey, although the complainant offered to pay for it.

7. The respondent inspector contends that the records of his office are exempt from disclosure pursuant to Sec. 107.9 of the State Building Code.

8. Sec. 1-19(a), G.S. provides:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency... shall be public records and every person shall have the right to inspect or copy such records at such reasonable time as may be determined by the custodian thereof.
(Emphasis added)

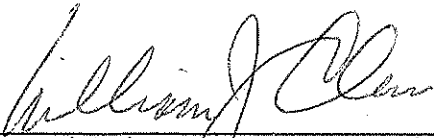
9. Sec. 107.9 of the State Building Code is a regulation of a state agency and not a statute. It therefore does not provide an exemption to mandatory disclosure within the meaning of Sec. 1-19(a), G.S.

10. It is found that the refusal of the respondent chief building inspector to provide a copy of the plot survey constitutes a violation of Sec. 1-15 and 1-19(a), G.S.

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

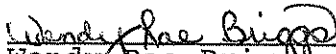
1. The respondent chief building inspector shall, within one business day after the date of issuance of the final decision, provide a copy of the said plot survey to the complainant upon receipt from the complainant of the cost thereof.

2. The respondent chief building inspector shall also provide the complainant with copies of any other records upon payment of the cost, as aforesaid.



Commissioner William Clew
as Hearing Officer

Approved by Order of the Freedom of Information Commission at its regular meeting of October 10, 1979.



Wendy Rae Briggs
Acting Clerk of the Commission