FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Joseph J. Trantolo, Jr. Complainant against State of Connecticut; and Chief State's Attorney of the State of Connecticut, Respondent	Report of Hearing Officer Docket #FIC77-144 September 14, 1977

The above captioned matter was heard as a contested case on August 22, 1977, at which time the complainant and the respondent appeared, stipulated to certain facts, and presented testimony, exhibits and arguments on the complaint.

Joseph J. Trantolo, Jr. moved to be designated as a party hereto in lieu of Vincent J. Trantolo who was named as a party in the Commission's August 8, 1977 Order to Show Cause. It appearing that the aforesaid designation of Vincent J. Trantolo was due to clerical error and that it was Joseph J. Trantolo, Jr. whose legal rights, duties or privileges were being determined herein, such motion was granted.

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

1. By letter dated June 24, 1977, the complainant requested from the respondent chief state's attorney a copy of the entire contents of the following files:

a. State vs. Trantolo, CR13-28675; and

b. State vs. Michael Sullivan

2. Such files are kept and maintained by the respondent chief state's attorney.

3. By letter of July 25, 1977, the respondent chief state's attorney denied the complainant the requested copies.

4. From such denial, the complainant appealed to the Commission by letter filed herewith on August 2, 1977.

5. The respondent chief state's attorney contended that as a judicial office, official or body he was not a public agency within the meaning of §1-18a(a), G.S. which limits the jurisdiction of this Commission to its or their administrative function.

6. The question of jurisdiction turns on a determination of the function of the respondent chief state's attorney's office with respect to the files in question.

7. The complainant withdrew, without prejudice, that part of his request which concerned the file of State vs. Michael Sullivan.

8. The file of State vs. Trantolo concerned a matter that was criminally prosecuted by the State.

9. Some of the contents thereof concerned statements given to the chief state's attorney prior to the decision to prosecute.

10. The matter has since been dismissed by the Court and the file is now closed.

11. It is found that the file in question does not relate to the administrative function of the office of the chief state's attorney.

12. It is further found that the respondent chief state's attorney is not a public agency for purposes of this appeal within the meaning of §1-18a(a), G.S.

13. It is therefore concluded that this Commission is without jurisdiction over the denial of access to such records under §1-19, G.S.

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

1. The complaint is hereby dismissed.

Judith Lahey
Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on September 28, 1977.

Charlene G. Arnold
Clerk of the Commission