

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Halina Makowska-George,

Complainant

against

Docket #FIC 2023-0486

Chair, Board of Education, New Britain  
Public Schools; and Board of Education,  
New Britain Public Schools,

Respondents

September 11, 2024

The above-captioned matter was heard as a contested case on July 25, 2024, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After the hearing, pursuant to an order of the hearing officer, the respondents submitted an after-filed exhibit, which has been admitted into evidence and marked as follows:

Respondents' Exhibit X (after-filed): Affidavit of Maryellen Manning, signed July 30, 2024.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By email dated September 22, 2023, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act during a September 14, 2023 special meeting ("special meeting") of the respondent Board of Education. Specifically, the complainant alleged that the respondents failed to comply with the notice provisions of §1-225(d), G.S.
3. It is found that the respondent board held the September 14<sup>th</sup> special meeting to discuss an appeal brought by the complainant, which she submitted in response to the denial of her grievance against the Consolidated School District of New Britain ("District"). It is also found that the complainant requested that her appeal be discussed at an open meeting of the respondent board, pursuant to §1-200(6)(A), G.S.
4. Section 1-225(d), G.S., provides, in relevant part, that:

[n]otice of each special meeting of every public agency . . . shall be posted not less than twenty-four hours before the meeting to which

such notice refers on the public agency's Internet web site, if available, and given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof . . . in the office of the clerk of such subdivision for any public agency of a political subdivision of the state . . . The . . . clerk shall cause any notice received under this section to be posted in his or her office . . . Such notice shall be given not less than twenty-four hours prior to the time of the special meeting . . . The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by such public agency.

5. At the hearing in this matter, the respondents admitted that notice of the September 14<sup>th</sup> special meeting was not timely posted to the respondent board's Internet website, in violation of §1-225(d), G.S. The respondents also testified, and it is found, that the Administrative Secretary for the District emailed the agenda for such special meeting to members of the respondent board on September 13, 2023; however, the District's Chief Information Officer, who is responsible for posting the notices and agendas for special meetings of the respondent board, was inadvertently omitted from such email. The respondents further testified, and it is found, that, by email dated July 18, 2023, the respondents notified the complainant of the special meeting, and, on the afternoon of September 13, 2023, the Administrative Secretary for the District timely filed notice of the special meeting in the office of the clerk of the City of New Britain.

6. The complainant argued that, while she received notice of the September 14, 2023 special meeting, and attended such special meeting, she may have had more support from members of the public if the special meeting had been properly noticed. The complainant also testified, however, that she was unaware of any person who was denied access to the special meeting due to the failure of the respondents to properly notice such special meeting.

7. The respondents testified, and it is found, that, on or around October 26, 2023, upon realizing notice had not been properly posted, the District's Chief Information Officer posted the September 14<sup>th</sup> special meeting agenda on the respondents' website, along with a full recording of such special meeting. The respondents also apologized for their error and testified that steps had been taken to ensure such error does not occur again.

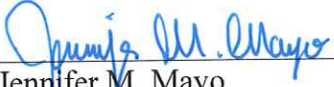
8. It is concluded, based on the facts and circumstances of this case, that the respondents violated the notice provisions of §1-225(d), G.S., by failing to timely post notice of the September 14<sup>th</sup> special meeting on the respondent board's website.

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

1. Within one week of the date of the Notice of Final Decision in this matter, the respondents shall contact the Commission's public education officer to schedule training regarding the requirements of the FOI Act.<sup>1</sup>

2. Henceforth, the respondents shall strictly comply with the notice provisions of §1-225(d), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of September 11, 2024.

  
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Jennifer M. Mayo  
Acting Clerk of the Commission

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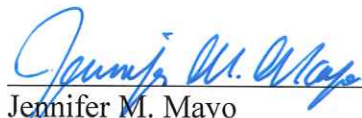
<sup>1</sup> The Commission believes that, due to certain testimony elicited from the respondents' witness at the contested case hearing in this matter, the respondents would benefit from additional FOI training.

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

**HALINA MAKOWSKA-GEORGE**, c/o Attorney Paul C. Argazzi, 488 New Britian Road, Kensington, CT 06037

**CHAIR, BOARD OF EDUCATION, NEW BRITAIN PUBLIC SCHOOLS; AND BOARD OF EDUCATION, NEW BRITAIN PUBLIC SCHOOLS**, c/o Attorney Peter J. Murphy, Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103 and Attorney Julie Reznik, Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103

  
Jennifer M. Mayo  
Acting Clerk of the Commission