

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Richard H. Kosinski and Henry ) Report of Hearing Officer  
Kosinski, Complainants )  
 ) Docket #FIC77-201  
 )  
 ) against )  
 ) January 25, 1978  
 )  
The City and Town of New Britain; )  
and the Board of Fire Commissioners )  
of the City and Town of New )  
Britain, Respondents )  
 )

The above captioned matter was heard as a contested case on November 1, 1977 at which time the complainants and the respondents appeared, stipulated to certain facts and exhibits, and presented evidence and argument on the complaint.

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

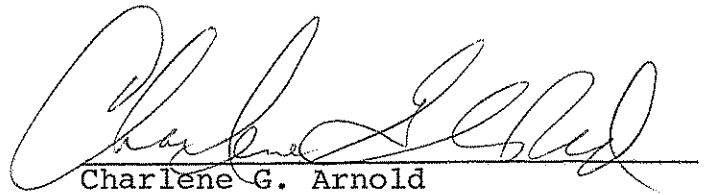
1. The respondent board held a special meeting at 4:30 p.m. on September 14, 1977 at which time it approved an appointment to the position of deputy chief engineer.
2. The complainants appealed by letter filed with the Commission October 11, 1977, claiming that the aforesaid meeting was improperly noticed and asking that the action of the respondent board in approving the appointment be declared null and void.
3. It is found that the complainants failed to prove that notice for the aforesaid meeting was improper because there was no evidence that the notice was not posted in the town clerk's office at least twenty-four hours prior to the meeting.

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.
2. Since the respondent board did not offer evidence that it did in fact comply with the notice provisions of §1-21, G.S., it may be the case that proper notice was not posted. Therefore, the Commission urges them to take care to post notices for special meetings not less than twenty-four hours prior to the time a special meeting is held and avoid unnecessary complaints to the Commission.

Judith A. Lahey  
Commissioner Judith A. Lahey  
as Hearing Officer

Approved by order of the Freedom of Information Commission on  
February 22, 1978.

A handwritten signature in cursive script, appearing to read "Charlene G. Arnold", written over a horizontal line.

Charlene G. Arnold  
Clerk of the Commission