## FREEDOM OF INFORMATION COMMISSION OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by	)	
Joseph Zuraitis,		Report of Hearing Officer
Complainant	)	
-		Docket #FIC78-62
against	)	- 2
		May <i>30</i> , 1978
Town of Watertown and the	)	- ·
Board of Tax Review of the		
Town of Watertown,	)	
Respondents		

The above captioned matter was heard as a contested case on May 23, 1978, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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

- 1. The respondent board is a public agency as defined by \$1-18a(a), G.S.
- 2. By letter filed with the Commission on March 10, 1978, the complainant alleged that the respondent board conducted a hearing on February 13, 1978, a legal holiday, in violation of the Freedom of Information Act.
- 3. By same letter, the complainant further alleged that the respondent board held a meeting on February 28, 1978, without proper notice, in violation of the Freedom of Information Act.
- 4. §1-21f, G.S. reads, in pertinent part, as follows: "If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day."
- 5. The complainant did not prove that a quorum of the respondent board held a regular meeting on February 13, 1978.
- 6. The respondent board held a special meeting on February 28, 1978. Notice of special meeting was not posted twenty-four hours prior to the time of such meeting as required by §1-21, G.S.
- 7. The respondent board contended that it did not have to comply with the foregoing requirement for the posting of notice because such meeting constituted an emergency special meeting pursuant to §1-21, G.S.
- 8. The burden of proving an emergency special meeting was upon the respondents.

- The respondent board did not offer any evidence to support its contention that the aforesaid February 28, 1978 meeting constituted an emergency special meeting.
- It is therefore concluded that the respondent board's failure to post notice to such meeting twenty-four hours in advance thereof constituted a violation of §1-21, G.S. concerning the notice that is required for special meetings.

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

- Henceforth, the respondent board shall post its notice of special meeting no later than twenty-four hours prior to the time of such meeting, in the office of the clerk.
- Henceforth, the respondent board shall not hold a special meeting whenever there is inadequate notice thereof under §1-21, G.S.
- The remaining portion of the complainant's appeal herein, relating to the respondent board's purported February 13, 1978 hearing, is hereby dismissed.

as Hearing Officer

Approved by order of the Freedom of Information Commission on June 14, 1978.

Charlene G. Arnold Clerk of the Commission