

Ambrogio v. Board of Firearm Permit Examiners, 42 CS 157

Ambrogio appealed order to issue permit based on time delay, claiming that Section was directory, not mandatory.

* Note - Prior ~~case~~ Ambrogio (1982) [JP New Haven 202684]

[may be frustrated by refusal by federal agency by indefinite] Not reported in Conn. Sup 37/8. (re. 1 yr FBI moratorium, 6 wk statute.)

Note language PP 163 re. use of information for determination of suitability in addition to language regarding per-se disqualification - affirmed as discretionary to the chief.

Legislative intent was to promote reasonable return time. Strict application negates material intention of statute. (per se & disc)

Processing must be done in a 'reasonable & diligent' manner.

* BFPE order against Plaintiff Ambrogio vacated

Background - No appellate rulings re. Sec (then § 29-289(b)) - only Superior Court.

re. Time denial appeal by Donald Henriques.

§ 4-183(f) Appeal may be to Court / Board on both (jurisdictional) (question) CGS 29-32(b) Directs Mandamus only if issuing Authority refuses
↳ IA has right to appeal if aggrieved (is here) Significant discussion re FBI FI files!

Tests: (from *Teamsters v. Shapiro*) Is it a matter of substance or convenience

↓ mandatory directory

↓ It intended to secure order, system & dispatch proceedings

[*Eastern Color Printing v. Jenks* 1963]

↓ Directs what shall be done, but does not invalidate upon failure
Winslow v. Zoning Board (1956)

↓ Regulating duties of public officers generally directory (*Tramontano v. Dilieto* 1989)

See also test in *Zoning Bd. of Appeals v. FOL Commission* 198 Conn 498 1986

Unless the leg. intended for duty not to be performed at all except within the time prescribed...

Directory lays down a general rule