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STATE OF CONNECTICUT  
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

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REGULAR COMMISSION MEETING  
21 GRAND STREET  
HARTFORD, CT 06106

THURSDAY, DECEMBER 14, 2006  
2:00 P.M.

COMMISSIONERS PRESENT:

Andrew M. Norton, Chairman  
Edward Mambruno, Secretary  
George A. Marshall  
Jimmie L. Griffin  
Cheryl Lynn Clarke  
Lillian H. Brown  
Larry D. Conaway  
Gloria Mengual

COMMISSIONERS ABSENT:

John Lobon

STAFF PRESENT

Robert Brothers  
Raymond P. Pech  
Donald Newton  
Nandi Colon  
Lena Ferguson  
Alvin Bingham

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. . . . Verbatim transcript of the  
Regular Commission meeting of the Commissioners on  
Human Rights and Opportunities, Thursday, December 14,

4 2006, at 2:00 p.m. at The Offices of the Commission  
5 on Human Rights and Opportunities, 21 Grand Street,  
6 Hartford, CT, at which time the Commissioners, CHRO  
7 staff and public were represented as hereinbefore set  
8 forth . . . .

9

10 CHAIRMAN NORTON: My name is Andrew  
11 Norton. I'm Chairman of the Commission on Human  
12 Rights and Opportunities and I convene our December  
13 14th meeting at 2:06.

14 And our first order of business is from  
15 the Secretary to -- moving to Roman Numeral II, and  
16 then A. Review approval of minutes of November 9th  
17 Regular Commissioner meeting.

18 COMMISSIONER MAMBRUNO: Thank you,  
19 Mr. Chair. Could I have a motion to approve the  
20 minutes, in this case the transcript for Thursday,  
21 November 9th at the Regular Commission Meeting Room,  
22 21 Grand Street at 2:00.

23 COMMISSIONER CLARKE: So move.

24 COMMISSIONER GRIFFIN: Second.

3

1 CHAIRMAN NORTON: All those in favor of  
2 approving the motion to approve the minutes say aye?

3 COMMISSIONERS MAMBRUNO, BROWN, GRIFFIN,  
4 AND CLARKE: Aye.

5 CHAIRMAN NORTON: Any opposed? Any  
6 abstentions?

7 (No response.)

8 The minutes are approved.

9 Item 2b, review an approval of minutes  
10 of November 30th. My understanding is that we will  
11 also, if I'm right, Mr. Secretary, include the and  
12 incorporate the transcript of that meeting for  
13 approval along with the minutes?

14 COMMISSIONER MAMBRUNO: Yes. Could I  
15 have a motion to approve the Special Commission  
16 Meeting that took place at the Legislative Office  
17 Building, 300 Capital Avenue, Room 1C at 3:00 p.m. on  
18 November 10th.

19 COMMISSIONER GRIFFIN: So moved.

20 MR. BROTHERS: Did you say the correct  
21 date?

22 COMMISSIONER CLARKE: November 30th.

23 COMMISSIONER MAMBRUNO: November 30th.

24 MR. BROTHERS: You said 10.

4

1 COMMISSIONER MAMBRUNO: I was looking  
2 at the 10. I'm sorry.

3 November 30th. That's why we have the  
4 legal minds here. November 30th at 3:00.

5 COMMISSIONER GRIFFIN: So moved.

6 COMMISSIONER MAMBRUNO: Should I go  
7 through the whole motion again?

8 CHAIRMAN NORTON: My understanding of  
9 the motion is that we are approving the minutes, which  
10 are incorporating also the transcript of the special

11 meeting we held at 3:00 p.m. in the Legislative Office  
12 Building, Room 1C on November 30th, passed.

13 Is there a motion? I understand that  
14 Commission Griffin is moving approval. Is there a  
15 second.

16 COMMISSIONER CLARKE: Second.

17 CHAIRMAN NORTON: With a second, is  
18 there any discussion?

19 (No response.)

20 Seeing none. All those in favor of  
21 approving those minutes and that transcript please say  
22 aye?

23 COMMISSIONERS MAMBRUNO, BROWN, GRIFFIN,  
24 AND CLARKE: Aye.

5

1 CHAIRMAN NORTON: Is there anyone  
2 opposed? Is there anyone abstaining?

3 (No response.)

4 Then they're approved.

5 And then moving on to Item No. 3. I  
6 did want to say in advance that Commissioner Lobon  
7 isn't able to be here.

8 Commissioner Marshall said he thought  
9 he could get here, but there was a family situation  
10 that might slow him up, or stop him.

11 MR. BROTHERS: Excuse me.

12 Commissioners Marshall and Conaway are actually on  
13 their way up.

14 CHAIRMAN NORTON: Okay. Thank you for

15 telling me that.

16                         So, we are going to move ahead, but we  
17 will be joined by them presently.

18                         And Commissioner Mengual is out of  
19 state on business, but she will be phoning in, hence  
20 that contraption, a little before 3:00, when we can  
21 break away from her work schedule and join us  
22 telephonically for at least some period of time.

23                         But in any case, having said those  
24 -- Roman Numeral III, Acting Executive Director's

6  
1 Report A.

2                         Mr. Pech.

3                         MR. PECH: Thank you. Good afternoon,  
4 Commissioners.

5                         I have a couple of brief comments, and  
6 I'm going to keep them brief because you have a heavy  
7 agenda.

8                         Should you elect to keep me in the  
9 position I'm in at the moment you'll probably find  
10 that I'm a little more participatory in the Executive  
11 Director's report than you're used to. But some  
12 comments briefly right now. You've got a packet on  
13 your desk of sort of last minute things. It's mostly  
14 informational. One is something I e-mailed you on, or  
15 in Commissioner Marshall's case, mailed in. It's a  
16 report from Valerie Kennedy on the situations that  
17 arose last month with Eastern Connecticut and the

18 other State Universities. I think I explained what  
19 that's about.

20 COMMISSIONER CLARKE: Excuse, Ray. Is  
21 your mike on?

22 MR. PECH: That's a good question.  
23 Hello. Now it is.

24 You don't want me to start over, do

7  
1 you?

2 COMMISSIONER CLARKE: No, I don't.

3 MR. PECH: Secondly, there's a letter  
4 that Commissioner Griffin actually pointed out at the  
5 special meeting on the 30th. My notice to the  
6 Secretary of the State for the January meeting cited  
7 the wrong date. I've corrected that. It is January  
8 11th. That's in your correspondence piece of the  
9 mailing that went out a week ago.

10 You'll probably hear more about this,  
11 but I am happy to announce that as of the 22nd of this  
12 month we will have three new HRO Reps starting. Two  
13 in Waterbury, one in Bridgeport. And we are about to  
14 make an offer on a third HRO Rep in Waterbury. So, we  
15 are moving on that front.

16 I want to announce that one of the  
17 plans you have before you this morning -- this  
18 afternoon, rather, is the AA plan for the Criminal  
19 Justice Commission, and while it's recommended for  
20 disapproval, I do want to make note of a meeting that  
21 occurred that I don't think you were informed of back

22 in October among myself, Chief State's Attorney Kevin  
23 Kane and members of the Criminal Justice Commission,  
24 which is his appointing authority, including Justice

8

1 Palmer of the Supreme Court as the chair of that  
2 committee, to talk about issues that sometimes come up  
3 in that plan. And the issues surround primarily the  
4 fact that for certain levels of state prosecutors and  
5 higher, the Justice Commission actually is the one  
6 charged with doing the appointments. And we talked  
7 about, and I think made some progress on some ways  
8 that they might make that whole process more open,  
9 more inclusive, and ultimately result in the hiring of  
10 more protected class members into the ranks of the  
11 Chief State's Attorney. So, I think is a good piece  
12 of progress.

13                   And finally I've informed Commissioner  
14 Norton, and it's your call. I got a call late Tuesday  
15 afternoon from the AG representing UConn Health Center  
16 asking if we could consider a contract compliance  
17 exemption request at today's meeting. My initial  
18 reaction was it's too late, that I have the agenda,  
19 but this is a research contract, similar to the ones  
20 we've seen before, that must be signed, according to  
21 the University, by the end of the month or it goes  
22 away. And since I don't think you want another  
23 special meeting this month, I -- Bob and I looked at  
24 it and we don't think it's problematic. So, if you

9

1 want to consider it, you'll have to amend the agenda  
2 to do so.

3 And that's it for me. I don't know if  
4 you want to consider it now or later, before Alvin  
5 comes.

6 CHAIRMAN NORTON: Outside missed just  
7 one thing getting a chair for our distinguished  
8 commissioner. Now we have our New Haven Area  
9 contingent and we're much more balanced.

10 And all you missed is the approval of  
11 the minutes.

12 What was your question to me? I'm  
13 sorry?

14 MR. PECH: You need to consider whether  
15 you want to amend the agenda to talk about that  
16 contract compliance issue, and my question was do you  
17 want to vote on whether to amend right now, or do you  
18 want to wait until it comes up in the natural course  
19 of discussion?

20 CHAIRMAN NORTON: Well, let me ask you.  
21 I'm prepared to open up the agenda, but I don't mean  
22 to presume the attitudes of any other Commissioners.

23 It's a contract between UConn and whom?

24 MR. PECH: University of Colorado.

10

1 CHAIRMAN NORTON: And does it interest  
2 other Commissioners?

3 I guess they probably should have told

4 us sooner, but nonetheless we're up against a deadline  
5 to renew this -- renew; right, this contract?

6 MR. PECH: Is it new?

7 MR. BROTHERS: It's new. It's not a  
8 renewal.

9 CHAIRMAN NORTON: It's a new contract.  
10 But it's quite pressing. I guess they want to start  
11 at the end of the month.

12 MR. BROTHERS: That's the end of the  
13 period in which they're looking for the contract, yes.

14 CHAIRMAN NORTON: And so we wouldn't  
15 meet again before then?

16 MR. BROTHERS: That's correct.

17 CHAIRMAN NORTON: But we should never  
18 feel forced to do something because someone else is  
19 late. But nonetheless, I don't know how the  
20 Commissioners feel, but I'm not opposed to trying  
21 oblige the University of Connecticut if they --  
22 they're in a bit of a jam because they caused it.

23 MR. PECH: It's an issue, as I said,  
24 that you've seen many times before. UConn has a

11

1 research contract from the feds, they want to  
2 subcontract part of that out to the University of  
3 Colorado because of their expertise in a particular  
4 area that's touched out on the contract. That's  
5 essentially what it is.

6 CHAIRMAN NORTON: Commissioner Griffin.

7 COMMISSIONER GRIFFIN: So, it's not  
8 really that involved. Are you saying the substance is  
9 sort of -- is it really involved?

10 MR. PECH: I don't believe so.

11 MR. BROTHERS: It's really a study.  
12 The University of Colorado is doing a study regarding  
13 special needs children, and there's someone from  
14 Connecticut that's actually going out there to oversee  
15 the contract. It's pretty straight forward.

16 It's a sole source provider. It meets  
17 all the criteria for a contract compliance exemption.

18 CHAIRMAN NORTON: It seems to me -- all  
19 set, Commissioner Griffin?

20 COMMISSIONER GRIFFIN: No, I was just  
21 going to say, if that's the case then I would move a  
22 motion that we would open up the -- and add it to the  
23 agenda.

24 CHAIRMAN NORTON: Is there a second to

12

1 Commissioner Griffin's motion to add the waiver --  
2 UConn's request to enter into a contract with the  
3 University of Colorado and put it on -- I'm going to  
4 throw out there under new business?

5 Is there a second?

6 COMMISSIONER BROWN: Well, I'll second,  
7 but I want a question.

8 CHAIRMAN NORTON: Certainly.

9 We have a motion on the floor, and it's  
10 been seconded. Any further questions from

11 Commissioners?

12 Commissioner Brown.

13 COMMISSIONER BROWN: I don't see the  
14 pressing need. With this long agenda that we already  
15 have I would much prefer to have more information and  
16 consider it the next time. I just don't see the  
17 pressing need. Unless you -- I've been misinformed.

18 MR. BROTHERS: I guess the only thing I  
19 can speak to that is that if we don't do it today it  
20 will be a moot issue. Today is the last opportunity  
21 that --

22 COMMISSIONER BROWN: It is a moot issue  
23 if we don't do it today?

24 MR. BROTHERS: Correct.

13

1 COMMISSIONER BROWN: Well, then I'll  
2 change my opinion. Thank you.

3 CHAIRMAN NORTON: So, is there anyone  
4 else who wants to ask a question or make a point on  
5 the subject of opening up the agenda and pick up  
6 UConn's contract waiver request?

7 (No response.)

8 If there isn't, all those in favor of  
9 opening up the agenda.

10 COMMISSIONERS MAMBRUNO, BROWN, GRIFFIN,  
11 CONAWAY, MARSHALL AND CLARKE: Aye.

12 CHAIRMAN NORTON: Anyone opposed?

13 Anyone abstaining?

14 (No response.)

15 The agenda is so opened.

16 Do I need a second motion to place it

17 on the agenda?

18 MR. PECH: No, but --

19 MR. BROTHERS: You need two thirds.

20 MR. PECH: You need two thirds.

21 Could you maybe just poll and make sure

22 you got two thirds of those present.

23 CHAIRMAN NORTON: Was there anyone

24 voting no?

14

1 MR. PECH: I didn't hear too many

2 voices.

3 CHAIRMAN NORTON: I didn't hear any no

4 votes. That sounds like three thirds to me.

5 MR. PECH: Alright.

6 CHAIRMAN NORTON: But I appreciate your

7 attention.

8 So, now moving forward, Mr. Director.

9 MR. PECH: Yes. Now I will call on

10 Alvin Bingham for the Affirmative Action, Section A or

11 Roman III.

12 MR. BINGHAM: Good afternoon,

13 Commissioners.

14 CHAIRMAN NORTON, COMMISSIONERS

15 MAMBRUNO, BROWN, GRIFFIN, CONAWAY, MARSHALL AND

16 CLARKE: Good afternoon.

17 MR. BINGHAM: The first agency we have

18 today is the Department of Administrative Services,  
19 and here representing that is Deputy Commissioner  
20 Brenda Sisco and Natalie Shipman, the Affirmative  
21 Action Administrator.

22 Would you please stand.

23 Thank you. You may be seated.

24 This plan is recommended for approval

15

1 based on compliance with the following. 46a-68-59(a),  
2 the plan contains all the elements required by Section  
3 46a-68-31 through 46a-68-74, inclusive, and  
4 46a-68-59(b)(3).

5 The agency has demonstrated every good  
6 faith effort to achieve such goals, and despite these  
7 efforts has been unable to do so.

8 46a-68-59(b)(4), the agency has  
9 substantially addressed the deficiencies noted by the  
10 Commission in its prior plan reviews in accordance  
11 with Sections 46a-68-62(c).

12 The goal achievement. Short term goal  
13 achievement, 8 out of 12, or 67 percent. Long term  
14 goals, 1 out of 8, or 12 percent. Total goal  
15 achievement, 9 out of 20, or 45 percent. And the  
16 promotional goal achievement was 4 out of 7, or 57  
17 percent.

18 The five year history, the plan had  
19 been approved all five years.

20 CHAIRMAN NORTON: I thought that what

21 we do, and I should have said it before Alvin spoke,  
22 or began speaking, was accept a motion to accept staff  
23 recommendation for approval for all four. Listen to  
24 all four. And then make a motion encompassing all

16

1 four. Unless people felt like doing something  
2 different.

3                   And part of the reason I thought that  
4 is, and disagree if you feel like disagreeing, was  
5 that then with the disapproval we have a motion to  
6 accept, and then hear from both agencies. Then after  
7 having heard from both, and about both, then discuss  
8 their action.

9                   I thought it might make sense to not  
10 listen to one then act, then listen to the second and  
11 act, but listen to both, and then consider how we want  
12 to treat both after we've heard both.

13                   I don't know if I've said that clearly  
14 or not, but does that meet with anyone's approval?  
15 Does anyone find that idea okay?

16                   COMMISSIONER MAMBRUNO: Yes.

17                   COMMISSIONER CLARKE: Yes,  
18 Commissioner.

19                   CHAIRMAN NORTON: So then right now I  
20 guess I'd ask for a motion. I know I'm sort of  
21 interrupting you, Alvin, and I apologize. I ask for a  
22 motion to accept staff recommendation for approval for  
23 Items A1 through 4. DAS, DMV, DMHAS and Department of  
24 Agriculture.

17

1 COMMISSIONER GRIFFIN: So moved.

2 CHAIRMAN NORTON: Commissioner Griffin  
3 so moves. Is there a second?

4 COMMISSIONER MAMBRUNO: Second.

5 CHAIRMAN NORTON: Okay. So, now we're  
6 discussing that motion. You've talked about DAS.

7 Are there any questions from  
8 Commissioners regarding the Department of  
9 Administrative Services and their plan?

10 (No response.)

11 There isn't.

12 Then would you proceed to Item 2.

13 MR. BINGHAM: The next agency is the  
14 Department of Motor Vehicles, and here representing  
15 them is the Deputy Commissioner John Herman, Carmen  
16 Arroyo, the Affirmative Action Administrator, Elisa  
17 Velez, the Affirmative Action Officer, and Richard  
18 Cosgrove, the Chief Administrative Officer.

19 Please stand.

20 Thank you. You may be seated.

21 The plan is recommended for approval  
22 based on Section 46a-68-59(a). The plan contains all  
23 the elements required by Sections 46a-68-31 through  
24 46a-68-74, and 46a-68-59(b)(3). The agency has

18

1 demonstrated every good faith effort to achieve such  
2 goals, and despite these efforts has been unable to do

3 so.

4 And 46a-68-59(b)(4), the agency has  
5 substantially addressed the deficiencies noted by the  
6 Commission in the prior plan reviews in accordance  
7 with Sections 46a-68 to 62c.

8 The goal achievement. Short term goal  
9 achievement, 16 out of 42, or 38.1 percent. Long term  
10 goals, they didn't achieve any. Total goal  
11 achievement, 16 out of 49, or 32.7 percent. And the  
12 promotional goal achievement was 10 out of 17, or 59  
13 percent.

14 The five year history, the plan had  
15 been approved all five years.

16 CHAIRMAN NORTON: Are there any  
17 questions from Commissioners on DMV -- if I haven't  
18 lost my place. On DMV?

19 COMMISSIONER BROWN: No.

20 CHAIRMAN NORTON: Then let's move on.

21 COMMISSIONER BROWN: Did someone say  
22 yes?

23 CHAIRMAN NORTON: Do you have a  
24 question?

19

1 COMMISSIONER MARSHALL: Yes. Short  
2 term --

3 MR. BINGHAM: On page 3 of 7.

4 COMMISSIONER MARSHALL: 3 of 7. And  
5 possible total goals of 59 percent.

6 MR. BINGHAM: Your question?

7 COMMISSIONER MARSHALL: The percentage  
8 is 38 and 0, and 16 out of 49.

9 MR. BINGHAM: I'll have to review it.

10 COMMISSIONER BROWN: What's he talking  
11 about? They're all the long term goals.

12 CHAIRMAN NORTON: I take it your  
13 question is about that seems low. Is that where  
14 you're at?

15 COMMISSIONER MARSHALL: Yes.

16 CHAIRMAN NORTON: Okay.

17 MS. ARROYO: Well, I can't exactly  
18 answer why the goal achievement is so low. The agency  
19 did demonstrate good faith effort for every instance  
20 where there was a hirer that did not meet a goal.

21 In many cases there weren't any goal  
22 candidates to hire. In a couple of cases goal  
23 candidates were offered positions, but refused the  
24 position.

20

1 But the plan does demonstrate and give  
2 reasons why. If there were goal candidates who were  
3 interviewed, why those goal candidates were not hired  
4 in favor of a non-goal candidate.

5 COMMISSIONER MARSHALL: Thank you.

6 CHAIRMAN NORTON: Are there any other  
7 questions from Commissioners?

8 (No response.)

9 Seeing none, why don't we move to the

10 Department of Agriculture.

11 MR. BINGHAM: Did we miss the  
12 Department of Mental Health?

13 CHAIRMAN NORTON: I'm sorry. I  
14 apologize. I skipped. Sorry.

15 MR. BINGHAM: The Department of Mental  
16 Health and Addiction Services. Here representing the  
17 agency is Eric Smith, the Affirmative Action Program  
18 Manager and Cynthia Ingram, the Affirmative Action  
19 Program Manger.

20 Please stand.

21 Thank you. You may be seated.

22 The plan is approved based on --  
23 recommended for approval based on Section  
24 46a-68-59(a). The plan contains all the elements

21

1 required by Section 46a-68 to 31 through 46a-68-74 and  
2 46a-69-59(b)(3).

3 The agency has demonstrated every good  
4 faith effort to achieve such goals, and despite that  
5 has been unable to do so.

6 And 46a-68-59(b)(4), the agency has  
7 substantially addressed deficiencies noted by the  
8 Commission in a prior plan review.

9 The goal achievement. Short term goal,  
10 8 out of 15, or 53 percent. Long goal achievement, 5  
11 out of 9, or 56 percent. Total goal achievement 13  
12 out of 24, or 54.2 percent.

13 And the five year history, in 2001

14 through 2004 the plan was approved. And in 2005 it  
15 was approved by default.

16 CHAIRMAN NORTON: Any questions about  
17 that agency?

18 (No response.)

19 Then let's move on to the next.

20 MR. BINGHAM: The Department of  
21 Agriculture. And we have here Commissioner F. Philip  
22 Prelli and Alicia Nunez, the Affirmative Action  
23 Officer.

24 Please stand.

22

1 Thank you. You may be seated.

2 This plan is being recommended for  
3 approval based on Section 46a-68-59(a). The plan  
4 contains all the elements required by Section  
5 46a-68-31 through 46a-68-74 and Section  
6 46a-69-59(b)(2).

7 The agency met all the substantial --  
8 all of its hiring, promotional and program goals.

9 And 46a-68-59(b)(3), the agency  
10 demonstrated every good faith effort to achieve such  
11 goals.

12 And 46a-68-59(b)(4), the agency has  
13 substantially addressed the deficiencies noted by the  
14 Commission in the prior plan reviews in accordance  
15 with Sections 46a-68-62(c).

16 Short term goal achievement, 2 out of

17 3, or 67 percent. Long term goal achievement, 2 out  
18 of 2, or 100 percent. Total goal achievement, 4 out  
19 of 5, or 80 percent. And the total promotional goals,  
20 1 out of 1, or 100 percent.

21 The five year history, 2001, 2002 the  
22 plan was approved. 2003 the plan was disapproved.  
23 2004 the plan was approved. And 2005 the plan was  
24 approved by default.

23

1 CHAIRMAN NORTON: Are there any  
2 questions?

3 I have one, if I can jump in. There's  
4 a category of employee listed here as protective  
5 services, and I was wondering what the meant in the  
6 realm of the Department of Agriculture.

7 And maybe that's a question to the  
8 Department of Agriculture, but what sort of men and  
9 women -- what sort of work are those men and women  
10 doing?

11 MR. PRELLI: Philip Prelli,  
12 Commissioner of Agriculture.

13 We have two areas of protected service  
14 employees. The major one, and the one that was  
15 addressed here was security officers at our regional  
16 market on -- in the south end of Hartford. And the  
17 other one we would have that could be related to those  
18 would be our Animal Control Officers, but that wasn't  
19 addressed there.

20 CHAIRMAN NORTON: Okay. Thank you very

21 much, Commissioner.

22 Are there any other questions regarding  
23 that agency? And certainly feel free if anyone had a  
24 question they wanted to ask another agency and it's

24

1 just occurred to them, feel free. But if there are  
2 not any other questions or comments from  
3 Commissioners, then I would actually call for a vote.

4 The motion has been made to accept  
5 staff recommendation for approval of all four of these  
6 plans. All those in favor of accepting approval,  
7 please say aye.

8 COMMISSIONERS MAMBRUNO, BROWN, GRIFFIN,  
9 CONAWAY, MARSHALL AND CLARKE: Aye.

10 CHAIRMAN NORTON: Is there anyone  
11 opposed?

12 (No response.)

13 Is there anyone abstaining?

14 (No response.)

15 Those four plans are approved.

16 Then moving on to the next section. Is  
17 there a motion -- and again, as things develop we can  
18 amend, change the motions. So, for purposes of  
19 discussion, is there a motion to accept staff  
20 recommendation for disapproval of the Department of  
21 Public Safety and the Division of Criminal Justice?

22 COMMISSIONER BROWN: Second.

23 CHAIRMAN NORTON: And who will -- I've

24 got a second.

25

1 COMMISSIONER BROWN: I mean, I move --

2 oh, I thought you were making a motion.

3 COMMISSIONER GRIFFIN: I move. Go

4 ahead.

5 COMMISSIONER BROWN: I'll move the

6 motion.

7 CHAIRMAN NORTON: Okay. Commissioner

8 Brown moves and Commissioner Griffin seconds.

9 Now, for the purposes of discussion.

10 But, again, feel free to break apart that motion if we

11 have different views or conclusions about these two

12 agencies.

13 On the Department of Public Safety.

14 Alvin.

15 MR. BINGHAM: Okay. Here representing

16 the Department of Public Safety we have Barbara Lynch,

17 the Affirmative Action Administrator, Ron Sabrinsky,

18 the Director of Personnel. We have Chris Grecky, the

19 Principle Human Resource Specialist, and we have Major

20 Ercile, of the Commissioner's staff.

21 Please stand.

22 Thank you. You may be seated.

23 This plan is recommended for

24 disapproval based on noncompliance with the following.

26

1 46a-68-59(b)(2), the agency has not met all or

2 substantially all its hiring goals. And

3 46a-68-59(b)(3), the agency has not demonstrated every  
4 good faith effort to achieve such goals, and despite  
5 these efforts were unable to do so.

6 And the agency has substantially  
7 addressed the deficiencies noted by the Commission in  
8 the prior plan reviews in accordance with Section  
9 46a-68-62c.

10 Goal achievement. Short term goal  
11 achievement, 16 out of 53, or 30 percent. Total goal  
12 achievement, 16 out of 53, or 30 percent. And a  
13 promotional goal achievement was 49 out of 60, or 81  
14 -- 82 percent.

15 The five year history. The plan was  
16 recommended for approved -- I mean, the plan was  
17 approved in 2001, 2002, '03 '04, and it was approved  
18 by default in '05.

19 And I believe Barbara Lynch has  
20 something she would like to address with the  
21 Commissioners.

22 CHAIRMAN NORTON: I haven't got any  
23 problem with that. Let them come forward.

24 MS. LYNCH: Good afternoon,

27

1 Commissioners, and thank you.

2 For the record, my name is Barbara J.  
3 Lynch. My title is Affirmative Action Administrator  
4 for Department of Public Safety.

5 Thank you for letting me have a moment

6 of your time.

7                   First I would like to say I truly  
8 believe in the affirmative action program and  
9 diversity that I have for my agency. I've been doing  
10 this for 13 years. This is the first time in my  
11 career that I've had a disapproved plan. First time  
12 ever with the Department of Public Safety in the seven  
13 years that I've been there that I've had a disapproved  
14 plan, and most of this is an oversight on my behalf,  
15 and a colleague where we missed putting some  
16 information in the plan to justify those two hires.

17                   As Mr. Bingham just passed out, the  
18 first one was a goal candidate. There were two  
19 interviews. We forgot to put the main interview,  
20 applicant flow chart information in there, where the  
21 goal candidate stated that she could not start before  
22 8:00. As a supervising shift at our training academy,  
23 that shift starts anywhere between 6:00 and 6:30  
24 because it not only takes care of our -- our

28

1 candidates for trainees, it also feeds the post  
2 training for municipalities. So, it's important that  
3 they have to be there by 6:00, 6:30 the latest. And  
4 she indicated in her initial interview that she could  
5 not be there before 8:00.

6                   We opened up a second interview, and to  
7 be fair to everyone, because they all were very good,  
8 and hopefully that she would possibly maybe even had  
9 made some arrangements or changed her mind to go in

10 for a second interview, and they were shown the  
11 facilities and they were asked how would they schedule  
12 out a menu to accommodate 80 recruits, along with  
13 posts. She did go.

14 We put in the second interview, which  
15 didn't indicate the fact that she could not accept the  
16 position due to the hours. So, that was an oversight  
17 and omission on our part.

18 The second one --

19 CHAIRMAN NORTON: Who was ultimately  
20 hired? What category of person was ultimately hired?

21 MS. LYNCH: What category? A white  
22 male was hired.

23 CHAIRMAN NORTON: Thank you.

24 MS. LYNCH: Yes.

29

1 COMMISSIONER BROWN: And the other lady  
2 was a goal candidate?

3 MS. LYNCH: Yes, ma'am. But because  
4 she couldn't work the hours.

5 COMMISSIONER BROWN: Yeah. I  
6 understand.

7 MS. LYNCH: The second hire issue --  
8 it's a little complicated due to the fact when all the  
9 hiring was going on, or the offering of the position,  
10 who also was a white female, I was on vacation for two  
11 weeks, so I was not spoken to about the fact that this  
12 person -- one, she had previously had worked for our

13 agency and she withdrew her resignation. Two, she was  
14 on the reemployment list, and she had all the  
15 credentials, but because I wasn't there, and I wasn't  
16 spoken to, and my colleague had just become an  
17 Affirmative Action Officer, the process went on  
18 because they got approval from DAS and OPM to approve  
19 to fill the position. And they went on the basis of  
20 the fact that she was on the reemployment list.

21 I put in my plan that it was not  
22 discussed with me. I was not made aware, but it was  
23 an oversight and a lack of responsibility of mine as  
24 an administrator, because once I got that action that

30

1 she was hired I should have addressed it with the  
2 Human Resource Department on how this action happened,  
3 and I didn't. So, I own and I accept that  
4 responsibility for that neglect.

5 My request today to the Commission is  
6 if the recommendation could be changed to either  
7 conditional or an approved plan, based on information  
8 that I have submitted today.

9 Thank you.

10 CHAIRMAN NORTON: I just want to jump  
11 ahead with a -- jump in with a question, because I  
12 didn't quite gather it.

13 While you were gone someone was hired  
14 who -- would you just --

15 MS. LYNCH: Okay. What happened was --

16 CHAIRMAN NORTON: -- fill that out a

17 little bit.

18 MS. LYNCH: -- there was no recruitment  
19 and/or interviews done.

20 CHAIRMAN NORTON: Because they thought  
21 they had to hire someone?

22 MS. LYNCH: Because she was on the  
23 reemployment list, and she showed an interest. She  
24 called the agency and there was a need, an operational

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1 need at that point.

2 CHAIRMAN NORTON: But the fact that she  
3 was on the reemployment list doesn't mean there  
4 shouldn't have been broader interviews?

5 MS. LYNCH: We would have probably  
6 offer it to her because she had the right. Between  
7 SEBAC lists and reemployment, generally if they pop  
8 up, it doesn't matter whether we do an interview  
9 process, we have -- they have the right to the  
10 position if they want it.

11 CHAIRMAN NORTON: So, where was the  
12 mistake again?

13 MS. LYNCH: The mistake was that in the  
14 plan when I wrote in my goals analysis I put in there  
15 that there was no narrative or communication with  
16 myself and Human Resource on how this person was  
17 hired.

18 CHAIRMAN NORTON: Okay.

19 MS. LYNCH: And I, as an administrator,

20 should have -- as soon as I got back from my vacation,  
21 addressed it, but I did not.

22 CHAIRMAN NORTON: Okay. Are there  
23 questions or comments from any of the Commissioners.

24 And of course, you may want to direct

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1 questions or comments to our staff on the subject.

2 Does anyone have any questions?

3 COMMISSIONER CONAWAY: Yeah. I have  
4 one question about this letter --

5 CHAIRMAN NORTON: Commissioner Conaway.

6 COMMISSIONER CONAWAY: -- letter dated  
7 December 10th, 2003. Is this -- this is good for  
8 three years. Is that why you're presenting this to  
9 us?

10 MS. LYNCH: That is what I was told by  
11 Human Resource, yes.

12 COMMISSIONER CONAWAY: Okay. And this  
13 is a goal candidate?

14 MS. LYNCH: She probably should have  
15 been. I can't remember what the goals looked like  
16 with this position.

17 CHAIRMAN NORTON: Are there any other  
18 questions?

19 (No response.)

20 Does anyone on our staff want to speak  
21 to the issue? I haven't looked around the room yet.  
22 Is Paula here? Does she want to -- you've got your  
23 hand up.

24

MS. ROSS: Paula Ross, Commission

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1 Staff.

2 I've worked with Ms. Lynch for quite a  
3 few years on this agency plan. I think this is a good  
4 viable plan. There was no mistakes in goal setting,  
5 availability and so on. However, our regulations  
6 probably were written in stone by Moses himself.  
7 They're black and white. I have to make the judgment  
8 based on what the regulations tell me to do regardless  
9 of what my personal feeling may be about that plan.

10 I know she works hard on her plan.  
11 We've worked together, as I said, a long time, and I  
12 made the recommendation based on the regulations.

13 CHAIRMAN NORTON: Are there any  
14 questions, Commissioner Griffin, that you --

15 COMMISSIONER GRIFFIN: Yes.

16 CHAIRMAN NORTON: You have a question.

17 COMMISSIONER GRIFFIN: You know, not to  
18 put you on the spot or anything, but, like, would you  
19 think that you would have an opposition to a  
20 conditional on this plan, or would you?

21 MS. ROSS: Right now I would have no  
22 opposition to anything the Commissioners decided to  
23 do. (Laughter.)

24 I wouldn't have any opposition to it.

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1 Had there been a criteria for conditional approval

2 that would have lent itself or had there been some  
3 opportunity to use a different standard I would have  
4 in this case, but I didn't. The regulations are what  
5 they are, and that's what I go by. And what you  
6 choose to do is fine with me.

7 CHAIRMAN NORTON: Commissioner Conaway.

8 COMMISSIONER CONAWAY: The new  
9 information that was presented today, does that make a  
10 difference. If that information was presented, you  
11 know, during the process --

12 MS. ROSS: Oh, yes, indeed. It's very  
13 viable information, and I would have considered it to  
14 be sufficient.

15 COMMISSIONER CONAWAY: Okay. And if  
16 this information was presented, what would your  
17 recommendation have been?

18 MS. ROSS: It would have been for  
19 approval.

20 CHAIRMAN NORTON: So, what we have in  
21 front of us are in fact the -- although later than you  
22 might want, the corrections to the mistakes?

23 MS. ROSS: Yes. They would have had to  
24 provide them afterward anyhow. And, yes, had I gotten

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1 these first it would have made the difference between  
2 an approval and a disapproval. It would not have been  
3 a recommendation for conditional approval.

4 CHAIRMAN NORTON: Are there any other  
5 questions.

6 COMMISSIONER CLARKE: I'm just trying  
7 to understand -- and where is my mike. I will get it  
8 someplace.

9 I was just trying to understand, from  
10 hearing the Department of Agriculture that listed a  
11 recommendation for approval and they had some  
12 deficiencies and weaknesses, forgive me, Department of  
13 Agriculture -- and comparing that to the Department of  
14 Public Safety, I would have thought either they both  
15 would have been recommended for disapproval or both  
16 recommended for approval based on the deficiencies and  
17 weaknesses. But given the information that you have  
18 now, and if you had that information at your disposal  
19 prior to the plan, I think I would certainly recommend  
20 this plan, other than disapproval.

21 MS. ROSS: But the recommendation for  
22 the most part doesn't have to do with the number of  
23 deficiencies or weaknesses. The regulations set a  
24 criteria for all or substantially all goals, or every

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1 good faith effort. And the only type of deficiency is  
2 involved is if it's from a prior plan and has not been  
3 substantially addressed.

4 COMMISSIONER CLARKE: Okay. That's a  
5 good answer.

6 CHAIRMAN NORTON: So, --

7 COMMISSIONER MAMBRUNO: Mr. Chair.

8 CHAIRMAN NORTON: Oh, Commissioner

9 Mambruno.

10 COMMISSIONER MAMBRUNO: You always  
11 forget to look left.

12 Paula, last year this plan was approved  
13 by default.

14 MS. ROSS: Yes.

15 COMMISSIONER MAMBRUNO: Does your  
16 memory recollect whether or not it would have been an  
17 approval, or would we have been in this same position?

18 MS. ROSS: If I remember correctly I  
19 did review the plan completely last year, and for  
20 whatever reasons the agency declined to send it to you  
21 for the meeting.

22 I don't remember what the actual  
23 recommendation is, which would mean in my mind it  
24 wasn't anything unusual.

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1 CHAIRMAN NORTON: Commissioner Griffin  
2 did you still have a question?

3 COMMISSIONER GRIFFIN: Not so much a  
4 question, but would it be in order if we were to  
5 recommend the plan for approval based on the  
6 information that we received?

7 COMMISSIONER CLARKE: Conditionally  
8 approved.

9 CHAIRMAN NORTON: Sure. I was  
10 thinking, but again, I -- this isn't a matter of  
11 profound religious belief for me, that we might hear  
12 about the other agency first, and so that if we're

13 acting on disapprovals or turning them into  
14 conditional approvals or turning them into approvals,  
15 we might kind of get a sense of both of them before we  
16 took one action that we felt might kind of bind us to  
17 the other.

18 COMMISSIONER GRIFFIN: I don't --

19 CHAIRMAN NORTON: You don't buy that?

20 COMMISSIONER GRIFFIN: I don't buy it.

21 COMMISSIONER CLARKE: No.

22 CHAIRMAN NORTON: Okay.

23 COMMISSIONER GRIFFIN: I think that  
24 this is one plan on its own.

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1 CHAIRMAN NORTON: Okay.

2 MS. ROSS: The only thing I might  
3 suggest is whatever your decision may be on the vote  
4 that it should not be a precedent setting one, and  
5 that maybe should be incorporated in it.

6 CHAIRMAN NORTON: Okay.

7 COMMISSIONER MAMBRUNO: That's exactly  
8 what I was going to say, is if we start changing  
9 disapprovals to approvals because we receive material  
10 at the last moment, then we're going to be bombarded  
11 from now on with plans that are in the same situation.  
12 So, if this plan is recommended for a conditional --  
13 or an approval, I would like to see or hear what steps  
14 are going to be taken to make sure that doesn't happen  
15 again, and it is followed closely with the rules and

16 regulations that you do have set in stone.

17                   CHAIRMAN NORTON: Well, at this point  
18 -- you raise a good point, Commissioner Mambruno, but  
19 right now I guess what I want to do is see if there is  
20 a motion to amend the underlying motion. And I --  
21 Commissioner Griffin, were you suggesting that we  
22 switch to a conditional approval, or all the way over  
23 to approval?

24                   COMMISSIONER GRIFFIN: Well, based on

39

1 the discussions that I heard, it seems to me that if  
2 -- with the information that we received, that it  
3 would be a total approval rather than a conditional  
4 approval. So, that's why I said, you know, total  
5 approval based on the information that was submitted.

6                   CHAIRMAN NORTON: So, the motion  
7 underlying is a motion to accept disapproval for both  
8 of these agencies? I guess what -- at this point is I  
9 what I would accept is would Commissioner Griffin who  
10 made the motion, and I think Commissioner Brown you  
11 seconded it?

12                   COMMISSIONER GRIFFIN: She made the  
13 motion I seconded it.

14                   COMMISSIONER BROWN: Yes.

15                   CHAIRMAN NORTON: Okay. You seconded  
16 it. Would you withdraw that motion?

17                   COMMISSIONER GRIFFIN: We can withdraw  
18 the motion.

19                   COMMISSIONER BROWN: Well, you made the

20 first one.

21 Yes. I will withdraw the motion.

22 COMMISSIONER GRIFFIN: I withdraw the  
23 second.

24 CHAIRMAN NORTON: You withdraw the

40

1 second. So, we have an open slate.

2 Would -- we can withdraw motions?

3 MR. BROTHERS: Technically the motion  
4 is now pending before the body. It's no longer a  
5 motion to withdraw.

6 CHAIRMAN NORTON: Good. So, we can  
7 vote the motion down?

8 COMMISSIONER BROWN: I'm sorry . . .

9 MR. BROTHERS: The motion is now before  
10 the body.

11 CHAIRMAN NORTON: I have to say that  
12 I'm more comfortable with Mason's rules than Robert's  
13 rules. So, if I'm wrong I'm going to say this --

14 MR. BROTHERS: I follow Robert's Rules,  
15 which are dictated by our regulations.

16 COMMISSIONER BROWN: Yes. Okay.

17 CHAIRMAN NORTON: And what if the body  
18 -- and what if there's no objection from the body of  
19 withdrawing the motion?

20 MR. BROTHERS: Technically you can do  
21 that. Under Robert's rule, though, the motion is now  
22 before the body.

23 CHAIRMAN NORTON: So, what if there's a  
24 motion to withdraw and there's no objection from the

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1 body?

2 MR. BROTHERS: That would be correct.

3 CHAIRMAN NORTON: Okay. The mover and  
4 the seconder have withdrawn the motion. Is there any  
5 objection to withdrawing the motion?

6 (No response.)

7 Then the motion is withdrawn seeing no  
8 objection from the body, who is in the possession of  
9 the body for action, but since no one in the body  
10 minds losing possession of that motion, it's gone.

11 (Laughter.)

12 Thank you.

13 Mr. -- Commissioner Griffin, would you  
14 like to make a motion regarding the Department of  
15 Public Safety's Affirmative Action Plan?

16 COMMISSIONER GRIFFIN: Yes. I would  
17 like to make a motion that we approve the plan, and  
18 then after discussion I'll discuss it.

19 CHAIRMAN NORTON: Is there a second?

20 COMMISSIONER BROWN: Second to discuss  
21 it.

22 CHAIRMAN NORTON: Commissioner Brown  
23 seconds the motion. Is there discussion of the motion  
24 to approve the affirmative action plan of the

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1 Department of Public --

2 COMMISSIONER MAMBRUNO: Yes.

3 COMMISSIONER GRIFFIN: Yeah. I just  
4 want to make --

5 CHAIRMAN NORTON: Sure.

6 COMMISSIONER GRIFFIN: I just want to  
7 make it clear that -- and Eddie's remarks were  
8 basically about setting precedents. And usually,  
9 normally we don't have staff that stands up in front  
10 of us and basically says, well, look, it's okay to do  
11 this. So, that's the only reason that I basically  
12 went along with the approval.

13 (Laughter.)

14 CHAIRMAN NORTON: Well, if I could say  
15 something. Would the minutes reflect that the  
16 Commission seems to be of the mind that the situation  
17 here is a rather extraordinary one.

18 COMMISSIONER GRIFFIN: It is. It is.

19 CHAIRMAN NORTON: And the conversion of  
20 a disapproval to an approval is one that the  
21 Commission is not likely to do over and over again.

22 COMMISSIONER BROWN: I disagree,  
23 Mr. Chairman.

24 CHAIRMAN NORTON: Okay. Then it

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1 shouldn't be a reflection of the Commission's minutes.

2 COMMISSIONER BROWN: Yes. I certainly  
3 appreciate Paula's -- since she's worked with  
4 Mrs. Lynch -- Mrs. Lynch for a while, and I do

5 understand that. But still, it wasn't put in the  
6 report. And I will not go to a full approval because  
7 everybody else would have that opportunity. I believe  
8 that it should be conditionally approved.

9 COMMISSIONER MAMBRUNO: I agree,  
10 Mr. Chair.

11 CHAIRMAN NORTON: Well, that's a  
12 different -- Mr. -- Director Pech.

13 MR. PECH: Can I just make one comment,  
14 and, obviously it's your decision, but amplifying what  
15 Commissioners Brown and Mambruno have said, I just  
16 want to say on behalf of our staff, which is horribly  
17 small and horribly overworked, that what Commissioner  
18 Mambruno said about precedent, that it does concern  
19 me, because I think we will see a lot more of these  
20 coming in. And these folks are hard enough pressed as  
21 it is to get the plans they're reviewing for a given  
22 month out by the deadline. And, you know, we've got  
23 two and a half people doing 80 someodd plans. And I  
24 think you can say this is without precedent, but that

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1 doesn't prevent somebody from coming up next month and  
2 saying we did it last month for Public Safety. So, I  
3 think you need to consider that.

4 COMMISSIONER MAMBRUNO: Also,  
5 Mr. Chair, what troubles me is it was approved by  
6 default last year, which means it didn't come before  
7 this Board to review it.

8 If we're having a hard enough time to

9 decide whether to make this a conditional or a full  
10 approval, that should be taken into account.

11 CHAIRMAN NORTON: Well, we've got --  
12 I'm sorry. Commissioner Griffin.

13 COMMISSIONER GRIFFIN: Yeah. I don't,  
14 you know, see us having that hard of time. I think  
15 maybe we should just vote on it and see.

16 CHAIRMAN NORTON: Okay. Well, let me  
17 frame the issue, if I can be an advisor to what  
18 appears that perhaps right now my sense of the  
19 sentiment of the Commissioners is they're either in  
20 favor of a conditional approval or you're in favor of  
21 a full approval.

22 So, the motion to fully approve you  
23 should vote against if you think you want a  
24 conditional approval, then we can take up that motion.

45

1 All in favor of approval?

2 COMMISSIONER GRIFFIN: Aye. I'm the  
3 only one.

4 CHAIRMAN NORTON: Okay. So, the motion  
5 to approve fails.

6 Is there another motion on the floor  
7 regarding the Department of Public Safety.

8 COMMISSIONER MARSHALL: I make a motion  
9 to approve. There's always exceptions to the rule.

10 CHAIRMAN NORTON: You mean  
11 conditionally approve?

12 COMMISSIONER MARSHALL: No. Approve.

13 CHAIRMAN NORTON: That motion got --

14 COMMISSIONER BROWN: That motion is  
15 already gone.

16 MR. PECH: Commissioner Norton?

17 CHAIRMAN NORTON: Yes.

18 MR. PECH: Could I just ask that you  
19 poll those against the floor motion, because you asked  
20 for those in favor and Commissioner Griffin said yes.  
21 My assumption probably is that the other votes are  
22 negative, but you never called it.

23 CHAIRMAN NORTON: Okay. Anyone opposed  
24 -- thank you, Mr. Director.

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1 Anyone opposed to the motion to approve  
2 would you please say aye?

3 COMMISSIONERS MAMBRUNO, BROWN, CONAWAY,  
4 MARSHALL AND CLARKE: Aye.

5 CHAIRMAN NORTON: Or I should have said  
6 nay.

7 COMMISSIONER BROWN: Nay.

8 CHAIRMAN NORTON: And any abstentions.

9 COMMISSIONER MARSHALL: Abstention.

10 CHAIRMAN NORTON: Okay. Alright. But  
11 in -- nonetheless the motion fails.

12 Is there any Commissioner interested in  
13 making a motion for a conditional approval?

14 COMMISSIONER GRIFFIN: So move.

15 COMMISSIONER BROWN: Do you get a

16 second bite at the apple?

17 (Laughter.)

18 COMMISSIONER CONAWAY: Second.

19 CHAIRMAN NORTON: Commissioner Griffin  
20 has moved for conditional approval of the affirmative  
21 action plan for the Department of Public Safety.

22 Commissioner Conaway has seconded that  
23 motion.

24 ALL in favor of conditional approval

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1 say aye.

2 COMMISSIONERS MAMBRUNO, BROWN AND

3 CONAWAY: Aye.

4 CHAIRMAN NORTON: Is there anyone  
5 opposed?

6 COMMISSIONER CLARKE: Opposed.

7 CHAIRMAN NORTON: Is there anyone  
8 abstained?

9 You are opposed?

10 COMMISSIONER CLARKE: Yes.

11 CHAIRMAN NORTON: Commissioner Clarke  
12 is opposed. Are there any abstentions.

13 (No response.)

14 Then the motion for conditional  
15 approval is passed.

16 And I would accept a motion now from  
17 any commissioner regarding the staff recommendation  
18 for the disapproval of the Division of Criminal

19 Justice. I put that on the floor. Is there a motion?

20 COMMISSIONER BROWN: So moved.

21 CHAIRMAN NORTON: Is there a second?

22 COMMISSIONER MAMBRUNO: Second.

23 CHAIRMAN NORTON: So, there is a motion  
24 to accept the recommendation for disapproval regarding

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1 the Division of Criminal Justice.

2 And Mr. Bingham.

3 MR. BROTHERS: Excuse me, Chair?

4 CHAIRMAN NORTON: Yes.

5 MR. BROTHERS: At this point can we  
6 just stop so that we can actually do the telephonic  
7 part and get Commissioner Mengual on?

8 CHAIRMAN NORTON: Thank you for  
9 prompting me in that. That would be great.

10

11 (Whereupon a telephonic connection was  
12 made with Commissioner Mengual, though she is  
13 unavailable for the next 10 minutes.)

14

15 CHAIRMAN NORTON: The Division of  
16 Criminal Justice. Mr. Bingham.

17 MR. BINGHAM: We have the Chief State's  
18 Attorney Kevin Kane. We have the Deputy Chief State's  
19 Attorney John Ruzzuto and we have the Affirmative  
20 Action Officer Pat Alston Tyson.

21 Would you please stand.

22 Thank you. You may be seated.

23                               This plan is recommended for  
24   disapproval based on noncompliance with the following.

49  
1   46a-68-59(b)(2).   The agency has not met all or  
2   substantially all its hiring and promotional goals.  
3   And 46a-68-59(b)(3), the agency has not demonstrated  
4   every good faith effort to achieve such goals, and  
5   despite these efforts were unable to do so.

6                               Goal achievement.   Short term goal  
7   achievement, 5 out of 7, or 71 percent.   Long term  
8   goal achievement, 9 out of 16, or 56 percent.   Total  
9   goal achievement 14 out of 23, or 61 percent.   And  
10  promotional goal achievement, 16 out of 52, or 55  
11  percent.

12                              The five year history.   In 2001 and  
13  '02, the plan was approved.   In 2003 it was  
14  disapproved.   In '04 and '05 the plan was approved.

15                              And I believe the Chief State's  
16  Attorney Kevin Kane has -- will speak for the  
17  division.

18                              CHAIRMAN NORTON:   Mr. State's Attorney,  
19  why don't you join us.

20                              ATTORNEY KANE:   Thank you.

21                              I'm Kevin Kane, Chief State's Attorney.  
22  Thank you, Mr. Bingham.   Thank you, members of the  
23  Commission.

24                              I sent a letter on December 12, 2006 by

1 fax and by mail, which addresses the three areas of  
2 concern that were raised in the plan.

3                   The first area of concern was that the  
4 policy statement that was included in the affirmative  
5 action plan that we filed was signed by the previous  
6 Chief State's Attorney. He was the one who was -- it  
7 was Christopher Morano, who was in office during the  
8 relevant reporting period. We included that policy  
9 statement because that was a relevant policy  
10 statement.

11                   And on October 2nd -- I took office on  
12 September 5th. On October 2nd of this year I signed a  
13 new policy statement which was substantially the same.  
14 We've included that new policy statement in the letter  
15 that I sent December 12th that's now over my signature  
16 that I would hope addresses that area of concern.

17                   CHAIRMAN NORTON: Do you want to  
18 proceed?

19                   ATTORNEY KANE: Yes, I did.

20                   CHAIRMAN NORTON: Or take questions as  
21 you go along or --

22                   ATTORNEY KANE: Or if anybody has any  
23 questions about that I'll address that now. Whichever  
24 anybody would prefer.

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1                   CHAIRMAN NORTON: Proceed.

2                   ATTORNEY KANE: Okay. The second area  
3 of concern was there were deficiencies in the  
4 reporting information concerning the hiring of two

5 juvenile prosecutors in New Haven. Both of those --  
6 the goal candidates for those two positions were white  
7 female candidates. The background information and the  
8 -- a white female candidate -- one white female  
9 candidate was chosen. The other candidate selected  
10 was not a white female goal candidate. But that is  
11 submitted to not include the reasons why goal  
12 candidates were not interviewed. That was a mistake,  
13 and that was an oversight. With this letter of  
14 December 12th we submitted all of the background  
15 information concerning the reasons why the other white  
16 female goal candidate position -- why the other white  
17 female candidates were not interviewed. They were set  
18 forth -- those reasons were set forth at the time the  
19 selection was made. They were erroneously, or  
20 mistakenly not included with this affirmative action  
21 plan.

22                   The last area of concern, the third  
23 area of concern was a category that we used on our  
24 applicant tracking sheet, and that was one of several

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1 categories, but this particular category which set  
2 forth reasons why applicants were not interviewed.  
3 the category was personal knowledge of the candidate.  
4 It was -- and I can understand why this was thought to  
5 be too vague and too general. And I am directing --  
6 we have a State's Attorneys meetings on Monday. I am  
7 directing that the State's Attorneys and myself and

8 the Chief State's Attorney's Office no longer use  
9 that. That we be more specific.

10                   The reason for it was was if we had  
11 applicants who we knew -- and when I'm saying we knew,  
12 the State's Attorneys knew, to not have knew  
13 personally because of experience and working with that  
14 individual, knew that that individual did not have  
15 certain strengths or characteristics that were  
16 important for the position. We -- some of us  
17 considered that to be personal knowledge and checked  
18 that box, rather than detailed information, which some  
19 might consider not complimentary in documents that  
20 might be made public. We will no longer use that.  
21 I'll direct the state's attorney's not to use that  
22 personal knowledge category and to be more specific  
23 with regard to setting forth the reasons why any  
24 candidate was not interviewed.

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1                   CHAIRMAN NORTON: I take it personal  
2 knowledge is in the category that the person involved  
3 in hiring knows something that is less than ideal  
4 about the applicant?

5                   ATTORNEY KANE: Yes. I know that based  
6 on specific personal knowledge of the individual,  
7 personal prior contacts, working with that individual,  
8 aspects like that, yes. Exactly.

9                   CHAIRMAN NORTON: But now what you'll  
10 do if -- if State's Attorneys all of a sudden start  
11 listening to Chief State's Attorneys what will happen

12 is that -- I'm sorry.

13 ATTORNEY KANE: That's a good point.

14 Don't apologize. I've been in the same position  
15 myself.

16 CHAIRMAN NORTON: But that -- that the  
17 policy would be to -- to have a fuller explanation  
18 than merely that?

19 ATTORNEY KANE: Yes.

20 CHAIRMAN NORTON: Is that what you're  
21 going to be asking the other 12 -- or how many?

22 ATTORNEY KANE: The other -- there are  
23 13.

24 CHAIRMAN NORTON: 13.

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1 ATTORNEY KANE: Yes.

2 CHAIRMAN NORTON: Are there any  
3 questions of the Chief State's Attorney from any  
4 Commissioners? About his letter or about this subject  
5 entirely.

6 (No response.)

7 Would -- okay. I lost track.

8 Is it Paula --

9 MS. ROSS: Yes.

10 CHAIRMAN NORTON: Would you like to  
11 speak to the issues that are raised. You needn't, but  
12 if you'd like to.

13 MS. ROSS: Well, I guess I ought to to  
14 be fair.

15                               Unfortunately this is an identical case  
16 to the last plan. Essentially it was housekeeping  
17 issues, but in fact the regulations say there  
18 shouldn't be housekeeping issues.

19                               I have to be consistent, but I also  
20 have to warn the Commissioners that while I may feel  
21 this way in regard to these two plans, I would not  
22 take that position necessarily any other time,  
23 depending on what the errors are --

24                               CHAIRMAN NORTON: If orders of

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1 magnitude --

2                               MS. ROSS: Exactly. And I think it's  
3 really serious that we don't set a precedent with it.  
4 And I want to bring to your attention that, in fact,  
5 we, as reviewers have had problems, not with these  
6 agencies, necessarily, but with other agency plans  
7 getting worse and worse in the last several years. To  
8 the point where if we don't stay with the regulations  
9 and not accept additional information and accept the  
10 pleas of agencies after the fact, we're going to run  
11 into serious trouble .

12                               CHAIRMAN NORTON: Well, let me make a  
13 note for the record. I can't summarize the feelings  
14 of all the Commissioners, at least not at this moment,  
15 but that our staff is advising us that in these cases  
16 there are errors. There are errors which violate the  
17 regulations, in her view clearly. But that these  
18 errors are of the degree of magnitude which is slight,

19 at least in this person's assessment, and that very  
20 often such other errors might be tipified by people,  
21 like the agencies, as being very similar. In general  
22 they're a lot worse as an order of magnitude. So,  
23 just to throw that into the record.

24 If there -- so, the motion on the floor

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1 is for disapproval. Would anyone like to talk about  
2 whether they support disapproval or conditional  
3 approval or what-have-you?

4 MS. ROSS: Before that question is  
5 answered, I do want to indicate that the agency  
6 affirmative action officer has worked with me, and  
7 frequently calls for information, assistance, and so  
8 -- in fact, I was due to go out there and speak to the  
9 staff as a group over issues like this before my  
10 unexpected vacation in the spring.

11 CHAIRMAN NORTON: Gotcha.

12 MS. ROSS: Which got canceled, of  
13 course.

14 CHAIRMAN NORTON: Gotcha.

15 MS. ROSS: So, they are on top of it.  
16 They do care, but it still is a violation of the  
17 regulations.

18 CHAIRMAN NORTON: So, the motion stand  
19 -- thank you.

20 So, the motion standing before us is  
21 one for disapproval. Does anyone want to amend that

22 motion for, say, conditional approval. I don't know.

23 Commissioner Clarke, were you about to

24 say something?

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1 COMMISSIONER CLARKE: Well, it's a  
2 slippery slope, because we would have to either recant  
3 what we said about the previous agency or do  
4 something. I mean, we could say, okay, only these  
5 guys here that are in front of us today, and then the  
6 next time we meet we would be in the same situation.  
7 Or they're going to add that, or, you know, they got  
8 the information in. We either agree only to make  
9 decisions with the information that's in front of us,  
10 or we give them a -- I don't know, a buy for three  
11 weeks after the plan is due. I don't see how we can  
12 change anything.

13 I just don't see how we can make any  
14 changes and accept anything other than what the staff  
15 recommends.

16 MS. ROSS: The problem is you just did  
17 it.

18 COMMISSIONER CLARKE: I know -- well --

19 CHAIRMAN NORTON: She did it.

20 MS. ROSS: And we have exactly the  
21 same --

22 COMMISSIONER CLARKE: No, not me  
23 personally, obviously. Obviously. (Laughter.)

24 CHAIRMAN NORTON: Which of course is

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1 the problem, because once you do it how do you undo  
2 it.

3 COMMISSIONER CLARKE: Yes. That's the  
4 problem.

5 So, it's either what's good for the  
6 goose is good for the gander, and we give everybody  
7 today and swear everyone to secrecy and --

8 MS. ROSS: With the new year --

9 COMMISSIONER CLARKE: -- make sure they  
10 won't say a thing, you know, to their friends and  
11 colleagues. Or we head down this path and undo all of  
12 the staff's work from time -- from now until the  
13 future. I don't know how we get out of this.

14 MS. ROSS: Or pass a New Year's  
15 resolution.

16 COMMISSIONER CLARKE: Humm?

17 MS. ROSS: Pass a New Year's  
18 resolution.

19 COMMISSIONER CLARKE: Yes. As a nice  
20 Christmas gift for everyone.

21 COMMISSIONER BROWN: Mr. Chair.

22 CHAIRMAN NORTON: Commissioner Brown.

23 COMMISSIONER BROWN: I think though,  
24 and I understand what you're saying, Commissioner

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1 Clarke, but very seldom -- I go back to what Jimmie  
2 said. I think I have to certainly understand the  
3 reviewer and the work that she has put in with this

4 group for a long time. And I would certainly like to  
5 see a conditional approval, because she understands  
6 the agency that she's working with. And I don't think  
7 any staff person would stand up and be that candid if  
8 they actually disapproved.

9 CHAIRMAN NORTON: Is that a motion to  
10 amend the underlying from disapproval to conditional  
11 approval?

12 COMMISSIONER BROWN: It's a motion to  
13 amend the underlying motion to -- from disapproval to  
14 conditionally approve.

15 CHAIRMAN NORTON: Is there a second to  
16 her amendment.

17 COMMISSIONER GRIFFIN: Second.

18 CHAIRMAN NORTON: Oh, God, I forgot.  
19 Do I have to vote it out of amendment or just accept  
20 it as a change?

21 Well, it's an amendment to a motion, so  
22 we're going to vote on it.

23 So, all those in favor of changing the  
24 motion to conditional approval say aye.

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1 COMMISSIONERS BROWN, GRIFFIN, CONAWAY,  
2 AND MARSHALL: Aye.

3 CHAIRMAN NORTON: Is there anyone  
4 opposed. Is there anyone abstained.

5 COMMISSIONER CLARKE: Opposed.

6 CHAIRMAN NORTON: Commissioner Clark is  
7 opposed.

8 COMMISSIONER MAMBRUNO: Opposed.

9 CHAIRMAN NORTON: So is Commissioner  
10 Mambruno.

11 Is there anyone abstaining.

12 (No response.)

13 Then I believe that's a 4/2 vote in  
14 support of changing the motion.

15 So, now the motion before us is do we  
16 conditionally approve the affirmative action plan with  
17 the Division of Criminal Justice. Is there any  
18 discussion?

19 (No response.)

20 All those in favor of conditional  
21 approval say aye?

22 COMMISSIONERS BROWN, GRIFFIN, CONAWAY  
23 AND MARSHALL: Aye.

24 CHAIRMAN NORTON: Is there anyone

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1 opposed.

2 COMMISSIONER CLARKE: Opposed.

3 COMMISSIONER MAMBRUNO: Opposed.

4 CHAIRMAN NORTON: Is there anyone  
5 abstaining?

6 (No response.)

7 Again, as I see it the vote is 4/2 and  
8 the agency's affirmative action plan is conditionally  
9 approved.

10 And in the words of Commissioner

11 Clarke, don't go telling your friends there's an easy  
12 out here, but . . . (Laughter.)

13 But again, just to highlight Paula  
14 Ross's comments, there is at times orders of magnitude  
15 to people's deficiencies and mistakes, and it's being  
16 reported to us that the deficiencies here are mild.

17 MR. ROSS: Mild.

18 The only thing I would like to say  
19 beyond -- before I run out of the room and get out of  
20 your life, I would like to see the agency and our  
21 administration get together to try to work an  
22 arrangement to deal with the kinds of information that  
23 is obviously pertinent, but for reasons are not  
24 appropriate in the plan. Information that could turn

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1 around and cause a legal issue, perhaps, and while  
2 it's important to us, we need to know it, there are  
3 good and sufficient reasons not to include it in a  
4 public document.

5 CHAIRMAN NORTON: Alright. Well, talk  
6 to --

7 MS. ROSS: Perhaps we can work  
8 something out to meet with them.

9 CHAIRMAN NORTON: Talk to Alvin.

10 COMMISSIONER MAMBRUNO: Mr. Chair.

11 CHAIRMAN NORTON: Do you want to have a  
12 conversation?

13 I'm sorry, Commissioner Mambruno.

14 COMMISSIONER MAMBRUNO: On that -- just

15 to add to what Paula's comments were, I know month's  
16 ago when this came up we needed specific reasons to  
17 make a plan conditional. I would like the staff's  
18 attorneys to come up with, or produce a document for  
19 the Commissioners to review so that when we do make a  
20 plan conditional we have the legal reasons why we are  
21 making it conditional, and not just pulling it out of  
22 your -- you know, hat because it's the holiday season.  
23 MR. BROTHERS: The appropriate vehicle  
24 is through the regulations.

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1 MR. PECH: I was going to raise that.

2 Part of the problem is -- am I on?

3 CHAIRMAN NORTON: Yes.

4 MR. PECH: I Can't tell.

5 The regs that we're operating under are  
6 not new. They're probably '89, I think. 1989. And  
7 it was only in -- and that -- and those regs defined,  
8 as Paula has referenced many times, when a plan can be  
9 approved and when a plan can be -- should be  
10 disapproved.

11 It wasn't until 1999, ten years later,  
12 that you were granted the authority to conditionally  
13 approve a plan. So, as yet there has been no  
14 amendment to the regs to talk about what conditions  
15 have to exist to conditionally approve a plan.

16 We may be able to come up with  
17 something in the interim, but we are gearing up to

18 revise or look at a revision of all of the AA regs,  
19 but that's a very lengthy process.

20 COMMISSIONER GRIFFIN: Just a question.

21 CHAIRMAN NORTON: Commissioner Griffin.

22 COMMISSIONER GRIFFIN: Yeah. Is there  
23 anything -- now you say that the regs have not been  
24 updated to deal with the amendment that was made, or

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1 whatever. Why haven't they been updated? If they  
2 changed the conditional approval process, why -- and  
3 give it to the Commissioners, and if we're within the  
4 law -- or are we within the law? That's the question.  
5 Are we within the law right now to conditionally  
6 approve a plan?

7 MR. BROTHERS: Yes.

8 COMMISSIONER GRIFFIN: Alright.

9 MR. PECH: Yes, you're within the law,  
10 but there is no articulated standard, which obviously  
11 should be cured. As to why they haven't amended it,  
12 there was actually a process well under way for  
13 amendment during Cynthia Watts-Elder's tenure here.  
14 In 2003 when I was appointed interim Director for that  
15 year I was directed to shelf it until the permanent  
16 Director took over.

17 Hamisi in the last six months or so, we  
18 talked about, a survey has been sent out to AA  
19 officers to begin go get that process going again.

20 We have -- substantial progress was  
21 made 3, 4, 5 years ago.

22                   CHAIRMAN NORTON:  Why don't we -- if I  
23  can jump in, just because we've got a few other things  
24  to discuss, and it seems to me that this discussion

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1  would be even more empowered by some information.  So,  
2  would the Director work with Alvin and his team, and  
3  maybe Commissioner (inaudible) as appropriate, to come  
4  up with a written sketch of -- for us of the history  
5  of the conditional approval and where it does and  
6  doesn't jive with regulations.  And just produce for  
7  us a writing, outlining some of the problems and  
8  vagaries involved with that.  And then we can all get  
9  it mailed to us, perhaps -- unless I'm rushing you,  
10 but . . . and then we can study it more and have a  
11 conversation that's even more informed than it would  
12 be today.

13                   But I'll be honest with you, I'm trying  
14 to push this along.

15                   MR. PECH:  Yeah.  No.  And that's fine.  
16 We'll take it on.

17                   CHAIRMAN NORTON:  Okay.

18                   COMMISSIONER BROWN:  Mr. Chair, I do  
19 think that we should be reminded that we certainly  
20 have the ability to look at a situation and make some  
21 decisions.  I think that's why we're here.

22                   CHAIRMAN NORTON:  Yes.

23                   COMMISSIONER BROWN:  And that's why new  
24 information is important.

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1                   And I want to say, not to forget the  
2 human side of some of this, and I certainly respect  
3 staff, and I think we should make those decisions  
4 based on common sense that we hear.

5                   CHAIRMAN NORTON: Gloria Mengual.

6                   At this point in time if any agency  
7 representatives would like to excuse themselves and go  
8 back to their offices, that's fine.

9                   (Pause.)

10                  CHAIRMAN NORTON: Now, what I would  
11 like to do, with the permission of the Commission is  
12 -- and I apologize to staff on this, but because I've  
13 got Gloria for maybe 40 or 45 minutes, I'm wondering  
14 if we can move into the executive session part, since  
15 my guess is we wouldn't get her for much of it if we  
16 went to the rest of the schedule. Does that bother  
17 anyone?

18                  COMMISSIONER CLARKE: No.

19                  COMMISSIONER BROWN: No.

20                  CHAIRMAN NORTON: Then may I hear a  
21 motion to change -- I don't need a motion to change  
22 the agenda.

23                  MR. BROTHERS: You can just move into  
24 executive session.

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1                   COMMISSIONER CONAWAY: I just got one  
2 question.

3                   MS. MENGUAL: Thank you for your

4 flexibility.

5 CHAIRMAN NORTON: Sure.

6 COMMISSIONER CONAWAY: Remember when we  
7 changed the motion, those other three -- did we  
8 approve those other three agencies that were in?  
9 Because I remember we withdrew the motion, and we left  
10 three agencies on the table, didn't we?

11 COMMISSIONER CLARKE: No.

12 CHAIRMAN NORTON: That one we --

13 MR. BROTHERS: You approved the first  
14 four.

15 MR. PECH: The first four went.

16 COMMISSIONER CONAWAY: Okay.

17 CHAIRMAN NORTON: At this point I'm  
18 going to accept a motion to go into executive session.  
19 And for the beginning, at least, of the executive  
20 session I would like to invite Commission Attorney  
21 Brothers, Assistant Attorney General Teed and Director  
22 Pech to stay. Although that invitation may change  
23 throughout the executive session.

24 Does anyone so move?

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1 COMMISSIONER MAMBRUNO: So move.

2 COMMISSIONER BROWN: So moved.

3 CHAIRMAN NORTON: Is there anyone --  
4 all those in favor?

5 COMMISSIONERS MAMBRUNO, BROWN, GRIFFIN,  
6 CONAWAY, MARSHALL AND CLARKE: Aye.

7 CHAIRMAN NORTON: Okay. Is there a  
8 second?

9 COMMISSIONER BROWN: Second and aye.

10 CHAIRMAN NORTON: Is there -- all in  
11 favor?

12 COMMISSIONERS MAMBRUNO, BROWN, GRIFFIN,  
13 CONAWAY, MARSHALL AND CLARKE: Aye.

14 CHAIRMAN NORTON: Anyone opposed?  
15 Anyone abstaining?

16 (No response.)

17 The required two thirds has been met,  
18 and we're in executive session.

19

20 (Whereupon executive session took  
21 place.)

22

23 CHAIRMAN NORTON: Is there a motion to  
24 come out of Executive session?

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1 COMMISSIONER BROWN: So moved.

2 CHAIRMAN NORTON: Is there a second?

3 COMMISSIONER MAMBRUNO: Second.

4 CHAIRMAN NORTON: All those in favor.

5 COMMISSIONERS MAMBRUNO, BROWN, GRIFFIN,  
6 CONAWAY, MARSHALL AND CLARKE: Aye.

7 CHAIRMAN NORTON: Any opposed? Any  
8 abstentions?

9 (No response.)

10 The motion to come back into public

11 session is approved.

12                   And I would like to make clear that no  
13 actions or votes were taken while we were in executive  
14 session.

15                   So, we return. And I'm afraid to the  
16 people who may be making presentations, we're going to  
17 try to move at a faster rate. We did have some  
18 important things to talk about.

19                   So, I guess the next action is fiscal  
20 report. I don't know if Ms. Colon is available, but  
21 if --

22                   MR. BROTHERS: She's on her way.

23                   CHAIRMAN NORTON: Okay. Why don't we  
24 skip to Field Operations report, if we may, while

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1 Nandi is arriving.

2                   Okay. I just want to make once again  
3 quite public that for the large portion of our  
4 executive session Commissioner Mengual was part of  
5 that discussion and present and fully participating.  
6 But Commissioner Mambruno has a -- has to go.

7                   So, we are six. And . . . Ms. Colon.

8                   MS. COLON: Good afternoon.

9                   CHAIRMAN NORTON, COMMISSIONERS BROWN,  
10 GRIFFIN, CONAWAY, MARSHALL AND CLARKE: Good  
11 afternoon.

12                   MS. COLON: I guess we'll start, and  
13 make this short and sweet, because it's getting late.

14 CHAIRMAN NORTON: That would be great.

15 MS. COLON: That would be wonderful.

16 Okay. I'll just do the fiscal report  
17 and just let you know that we still have quite a few  
18 dollars there in the surplus in personnel services  
19 again. The -- pardon my out of breath, but I was  
20 running up the stairs.

21 CHAIRMAN NORTON: If you want to catch  
22 your breath --

23 MS. COLON: That's fine. Okay.

24 We do have enough money to cover all

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1 the vacant positions that are there. In the projected  
2 column I have included money for the vacant positions,  
3 as well as the money that's necessary to pay out the  
4 accrued vacation for Mr. Ingram.

5 Under personnel services, again I'm  
6 projecting a very very small surplus as well, but that  
7 will be practically absorbed by the end of the fiscal  
8 year.

9 So, that basically concludes the fiscal  
10 report.

11 As far as positions, as of this report  
12 we have ten vacancies. And as Mr. Pech said, I got an  
13 e-mail within the last couple of days, the two new  
14 hires will be coming on board in December for  
15 Waterbury. One new hire coming on board for  
16 Bridgeport. And one new Secretary Two for the  
17 Affirmative Action Contract Compliance Unit.

18 CHAIRMAN NORTON: Excellent.

19 MS. COLON: Yeah.

20 CHAIRMAN NORTON: So, does that bring  
21 the affirmative action contract compliance to full --  
22 what do you call it -- full --

23 COMMISSIONER BROWN: Capacity or --

24 CHAIRMAN NORTON: Full capacity.

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1 MS. COLON: Capacity. Yes, it does.

2 CHAIRMAN NORTON: Unless we redesign  
3 and add to it, they're at full capacity?

4 MS. COLON: Absolutely.

5 CHAIRMAN NORTON: And in Bridgeport,  
6 how many professionals does that have pursuing  
7 investigations?

8 MS. COLON: Just in Bridgeport we will  
9 have --

10 CHAIRMAN NORTON: Is it eight?

11 MR. PECH: Yes.

12 CHAIRMAN NORTON: Okay.

13 MS. COLON: Uh-huh.

14 CHAIRMAN NORTON: And in Waterbury that  
15 puts us at eight, with one vacancy to fill?

16 MR. PECH: Yes. And an offer is about  
17 to be made to bring that to nine.

18 MS. COLON: Right.

19 CHAIRMAN NORTON: Okay.

20 MS. COLON: And then you also -- as of

21 some time in December -- I believe it was the first  
22 couple of days of December you authorized one of the  
23 transfers going -- one of the new positions moving  
24 from Waterbury into Norwich, so now the recruitment

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1 will start for that.

2 CHAIRMAN NORTON: Okay.

3 MS. COLON: So, pretty much they're all  
4 now equal across the board.

5 CHAIRMAN NORTON: And so just to remind  
6 everyone that our goal set over the last few months to  
7 have a ramping up of folks, but also to give Waterbury  
8 one extra, because they've got the busiest load is  
9 being pursued, and we're almost at the finish line of  
10 that -- of that mission.

11 MS. COLON: Right. We're almost there.

12 Unless you have any questions, I'm all  
13 done with my report.

14 CHAIRMAN NORTON: Thank you.

15 MS. COLON: You're welcome.

16 CHAIRMAN NORTON: Thank you very much.

17 Thanks for your patience while we --

18 MS. COLON: No problem.

19 CHAIRMAN NORTON: I suppose we ought to  
20 have for the whole agency something like theater  
21 lights, when you're at the intermission, they sort of  
22 blink the lights. And maybe we ought to do that in  
23 that agency to sort of tell people that executive  
24 session is ending. Or give them three minutes heads

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1 up, so Nandi can just calmly walk up to return.

2 But in any case, I guess, Mr. Director.

3 MR. PECH: Yes. Do you want a field  
4 operations report?

5 CHAIRMAN NORTON: I guess so.

6 MR. PECH: I mean, if you want to --  
7 you've got the information, if you're in that much of  
8 a hurry you may read it.

9 CHAIRMAN NORTON: Okay. Mr. Newton, is  
10 there anything pressing?

11 MR. NEWTON: Nothing.

12 CHAIRMAN NORTON: Beautiful.

13 Legislative report. Is there anything  
14 that we should be hearing from you, Ms. Ferguson.

15 MS. FERGUSON: No. I'll just mention  
16 that I did meet last week with staff of the Governors'  
17 office and OPM to answer any questions they had about  
18 the three proposals that we submitted. I answered  
19 their questions. I anticipate that they're going to  
20 approve all three, but I probably won't receive  
21 official notification until probably the end of next  
22 week.

23 CHAIRMAN NORTON: Thank you very much.

24 Mr. Director.

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1 MR. PECH: Mr. Brothers.

2 MR. BROTHERS: I don't really have

3 anything to report.

4 I can just let you guys know that even  
5 though we don't have a curricular manager at this  
6 time, that I've been doing legal updates. I'm  
7 conducting the last round for 2006. I'm gearing up  
8 for 2007 to do that.

9 We just got approval to send three  
10 attorneys to John Marshall Law School for Housing  
11 Litigation training at no expense to us. It will be  
12 funded through HUD.

13 CHAIRMAN NORTON: Is that going okay  
14 without a curricular manager?

15 MR. BROTHERS: I'm trying to do the  
16 best that I can with my staff. I mean, we're going  
17 out on a regular basis to all the Field Operations and  
18 giving them legal updates and whatever concerns that  
19 they have we're addressing.

20 MR. PECH: We also have, in addition to  
21 that, our housing investigators are mandated by HUD to  
22 take training at the National Fair Housing Training  
23 Academy in Washington periodically. And EEOC provides  
24 training for our investigators doing employment cases.

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1 And a bunch of our new folks just went  
2 to Dallas in October and November, and there is a  
3 training for seasoned folks that's going to take place  
4 here in Hartford after the first of the year.

5 So, it's not like folks are not getting  
6 trained.

7                   CHAIRMAN NORTON: Commissioner Griffin.

8                   COMMISSIONER GRIFFIN: Just a question.

9    On your staffing, how many staff people will you have  
10   in the legal department, and basically what are some  
11   of the functions, or how many cases, or case loads do  
12   you work on? Do you have any idea?

13                  CHAIRMAN NORTON: This ain't in the  
14   spirit of speed.

15                  COMMISSIONER GRIFFIN: It's just a  
16   quick question.

17                  CHAIRMAN NORTON: It's a quick  
18   question.

19                  COMMISSIONER GRIFFIN: No. How many  
20   people do you have working in the legal department?  
21   What do they do? I'm concerned?

22                  MR. BROTHERS: Including myself there's  
23   a total of 12. There's two secretaries, one  
24   paralegal, myself, one principle attorney, and the

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1   remainder are all Staff II attorneys.

2                  COMMISSIONER GRIFFIN: Okay. Primary  
3   functions.

4                  MR. BROTHERS: Any legal need that this  
5   agency has or that you have. Whether or not its  
6   prosecuting cases in an administrative setting,  
7   whether or not its in court taking appeals of those  
8   cases, getting guidance. We can -- you know, we get  
9   regular guidance in field operations, get legal

10 opinions.

11 MR. PECH: We have one we just assigned  
12 on a half time basis to work with the contract  
13 compliance unit on issues that come up there.

14 COMMISSIONER GRIFFIN: Okay. I just  
15 wanted to -- just curious.

16 CHAIRMAN NORTON: No. It was a good  
17 question, Commissioner Griffin. I was just worrying  
18 that it might involve so much that --

19 MR. BROTHERS: I would try to keep the  
20 answer as short as possible.

21 CHAIRMAN NORTON: You did. You did  
22 that actually very well.

23 So, then I guess on to new business.

24 And I didn't specify where in Item 4

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1 the UConn contract wavier would be, so why don't we go  
2 right to that.

3 UConn wants to sign a contract with the  
4 University of Colorado.

5 MR. BROTHERS: That's correct.  
6 Actually Assistant Attorney General Bill Climate is  
7 here if you have specific questions. But in the  
8 interest of speed -- UConn is actually contracting  
9 with the University of Colorado. The entire contract  
10 really is a study program. They're looking at doing  
11 some type of a study regarding children with special  
12 needs. It meets all the criteria for a contract  
13 exemption. It's outside the State of Connecticut.

14 Obviously Colorado is a sole source provider, so what  
15 they're doing -- it complies with all the reasons that  
16 we would granted it. My recommendation is to grant  
17 it.

18 CHAIRMAN NORTON: Is there a motion to  
19 grant UConn's request?

20 COMMISSIONER CONAWAY: So move.

21 CHAIRMAN NORTON: And is there a  
22 second?

23 COMMISSIONER MARSHALL: Second.

24 CHAIRMAN NORTON: Okay. Seconded by

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1 Commissioner Marshall. Moved by Commissioner Conaway.

2 All those in favor?

3 COMMISSIONERS BROWN, GRIFFIN, CONAWAY,  
4 MARSHALL AND CLARKE: Aye.

5 CHAIRMAN NORTON: Is there anyone  
6 opposed? Is there anyone abstaining?

7 (No response.)

8 It is granted.

9 COMMISSIONER CONAWAY: This is what we  
10 discussed in the beginning; right?

11 COMMISSIONER BROWN: Right.

12 CHAIRMAN NORTON: Yes. Yes.

13 COMMISSIONER CONAWAY: It would be a  
14 moot issue if it was not taken here today; right?

15 CHAIRMAN NORTON: Yeah. They wouldn't  
16 have been --

17                   COMMISSIONER CONAWAY: Can you give us  
18 some follow-up on how that study goes at some point.

19                   I'm Mr. Conaway. I'm particular  
20 interested in that seeing that I work in -- with  
21 special needs kids in the high school.

22                   ATTORNEY KLEINMAN: We would be glad  
23 to.

24                   COMMISSIONER CONAWAY: Okay. You can

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1 get my information from Mr. Norton. Thank you.

2                   ATTORNEY KLEINMAN: Thank you, all.

3                   CHAIRMAN NORTON: Next is consideration  
4 of a ruling on the request for a declaratory ruling in  
5 the matter of Nicholas Rabecki and Heritage Village.

6                   Now, I guess is it Mr. Brothers who  
7 would talk to us about that?

8                   MR. BROTHERS: Yes, I will.

9                   And again, in the interest of justice  
10 and speed I will try to go as quickly as possible  
11 through this.

12                   Just to give you some of the highlights  
13 regarding this. One July 10, 2006 we had a request  
14 from Nicholas Rabecki. Specifically he's somebody  
15 who's in a wheelchair and he was receiving some type  
16 of assistance from Heritage Village, the place he  
17 resides at. A question came up as to whether or not  
18 should they either stop with that service or charge  
19 for that service. Would it be a violation of our  
20 Connecticut Housing Discrimination laws. That

21 question was presented to you guys as a question for a  
22 declaratory ruling. It was voted upon that we would  
23 do that.

24 On July 14th we sent notice to Heritage

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1 Village asking them if they wanted to intervene or  
2 become a party. On July 20th they indicated that they  
3 would.

4 Inadvertently that question was not  
5 posed to you. It should have been posed to you prior  
6 to today.

7 So, the first course of action that I  
8 would ask that you take is that they have made a  
9 timely request. They are obviously an interested  
10 party in this, and that you should vote upon their  
11 request to intervene in this declaratory ruling.

12 CHAIRMAN NORTON: Is there a motion to  
13 allow Heritage Village --

14 MR. BROTHERS: That's correct.

15 CHAIRMAN NORTON: -- to intervene in  
16 our study of a declaratory -- or a promulgation of a  
17 declaratory ruling in the matter of Rabciecki versus  
18 Heritage Village.

19 MR. BROTHERS: That would be correct.

20 CHAIRMAN NORTON: Is there a motion.

21 COMMISSIONER GRIFFIN: So moved.

22 CHAIRMAN NORTON: Commissioner Griffin  
23 moves. Does anyone second Commissioner Griffin?

24 COMMISSIONER CLARKE: Second.

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1 CHAIRMAN NORTON: Commissioner Clarke  
2 seconds it.

3 All those in favor of allowing  
4 intervener status in this matter for Heritage Village  
5 say aye?

6 COMMISSIONERS BROWN, GRIFFIN, CONAWAY,  
7 MARSHALL AND CLARKE: Aye.

8 CHAIRMAN NORTON: Is anyone opposed?  
9 Is anyone abstaining?

10 (No response.)

11 They are granted intervener status.

12 MR. BROTHERS: Thank you.

13 Continuing on. The actual declaratory  
14 ruling that's before you, as I mentioned before, deals  
15 with a question of whether or not the condo  
16 association has a duty to be able to provide the  
17 services they were providing, and continue to provide  
18 to the best of my knowledge.

19 The question came up in or around  
20 September of 2005, the Board of Trustee's passed a  
21 resolution calling for a per occurrence charge of  
22 \$20.00. I guess they were going to give residents 12  
23 free occurrences, and thereafter they were going to  
24 charge \$20.00. That was a resolution. It was never

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1 acted upon, to the best of my knowledge.

2 Approximately two months later, towards

3 the end of the year, in December, they had a draft  
4 resolution where they were going to discontinue the  
5 service. And again, that has not taken place.

6           The crux of the issue that we have  
7 before us from a legal standpoint is that we don't  
8 have specific facts to be able to make a legal  
9 determination. The facts that we need are a -- if  
10 Heritage Village stopped providing the service. If  
11 Heritage Village in fact charged for the service, how  
12 many residents receive the service? What would be the  
13 reasons for stopping the service? What are  
14 Mr. Rabciecki's specific needs for having the service?  
15 How many other residents utilize it? What are there  
16 specific needs? All those questions we would need  
17 answered in order to make a legal conclusion as to  
18 whether or not they have a duty to provide it or not.

19           There's a declaratory ruling that's  
20 been recommended for Yale, and it's before you.  
21 Unfortunately, and I realize it may be disappointing  
22 to both Mr. Rabciecki and to Heritage Village to some  
23 extent, because it does not draw a legal conclusion.  
24 What it really does is say, yes, there are duties of

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1 reasonably accommodating people, however, they have to  
2 be looked at on a case by case, fact by fact basis.  
3 So, although we've issued a declaratory ruling, the  
4 conclusion is really somewhat a miss because we don't  
5 have fact specific to this scenario to be able to say

6 yes or no.

7 Now, if Heritage Village, for example,  
8 were to stop the service or to charge for the service,  
9 now we have fact specific where Mr. Rabciecki could  
10 either make a specific request, you know, for a  
11 specific reasonable accommodation, assuming that he  
12 has the standing to be able to do that. And he could  
13 file a complaint. I mean, he's never filed a  
14 complaint with this agency.

15 So, the short of where we're at at this  
16 point is that it's my recommendation that you accept  
17 the declaratory ruling as recommended and drafted, you  
18 should have all in your packets.

19 CHAIRMAN NORTON: Let me ask -- sorry.

20 MR. BROTHERS: No, that's fine.

21 CHAIRMAN NORTON: Isn't the argument  
22 you're putting forward for not doing a declaratory  
23 opinion in fact the standard argument for certain  
24 courts or groups never to do declaratory opinions,

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1 which is it's not a -- you don't have a case for  
2 controversy. It's not ripe. It's not -- wouldn't  
3 that be the argument for never doing one.

4 MR. BROTHERS: That would be correct.  
5 However, in this particular case we opted to do it.

6 CHAIRMAN NORTON: Okay.

7 MR. BROTHERS: We opted to do it and we  
8 did it. Obviously the facts are what they are. We've  
9 spoken to the parties. Heritage Village has submitted

10 a position statement. They gave us information. But  
11 the information that we have is basically inconclusive  
12 for us to be able to draw a legal opinion.

13                   Heritage Village has been patient  
14 enough. They've been sitting here all afternoon.  
15 It's your option as to whether or not you want them to  
16 be able to speak to you. I know that they want to.  
17 Again, that's your call.

18                   CHAIRMAN NORTON: Are you the folks  
19 from Heritage Village?

20                   Is it the desire of all of you to speak  
21 or just one of you?

22                   ATTORNEY NAYRAD: Commissioner, I think  
23 at this point -- just to be brief, if the Commissioner  
24 would --

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1                   CHAIRMAN NORTON: You ought to come  
2 closer to the mike and say your name.

3                   ATTORNEY NAYRAD: I am sorry. For the  
4 record, my name is Attorney Kelly Nayrad and I  
5 represent the Heritage Village Master's Association  
6 today. And with me is Roger Giordano, the president  
7 of Heritage Village, as well as Robert Vantassel, who  
8 was the former president.

9                   And our only goal for being here today  
10 was to let you know how important this issue was for  
11 us. We didn't implement the plan to discontinue the  
12 service or to charge for the service. And the reason

13 that that resolution was passed was due to a highly  
14 publicized budget crisis that the Village was having.  
15 And in order to deal with the budget crisis and not to  
16 have to pass costs along to the residents, this was  
17 part of a plan to cut many services, and not just  
18 wheelchair assists, so we were looking for some  
19 guidance from the Commission. And are disappointed  
20 that the recommendation is not to decide the issue,  
21 given that my clients have spent a significant amount  
22 in legal expenses to determine whether or not doing  
23 such a thing would -- they're trying to do the right  
24 thing. They want to know if they have the right to do

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1 that.

2                   And we did provide information to the  
3 Commission regarding the reasons for the resolution,  
4 and articles dealing with the budget crisis that has  
5 been highly publicized. And so for my clients this  
6 was really important because without a decision  
7 they've spent all of this money on legal fees in  
8 trying to make a determination as to whether or not  
9 they had a right to do this, and now they're left with  
10 nothing. And then if they do implement the program,  
11 Mr. Rabecki can come back and file a CHRO complaint  
12 and they have to do this all over again.

13                   So, I understand you have the right to  
14 ask questions, which was the purpose for Mr. Vantassel  
15 and Mr. Giordano being here today. So, if the  
16 Commission requires additional information or would

17 like to hear more on the issue -- and just so you  
18 know, recent develops have occurred since we  
19 submitted the position statement. The budget crisis  
20 has become worse, and security officers who actually  
21 provide the service, that staff has been cut in half,  
22 and that was implemented on November 1st. So, really  
23 now instead of two security officers per shift, the  
24 village only has one officer on duty per shift, and so

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1 that severely impacts the rights of other residents to  
2 rely on these security officers for emergency  
3 services.

4                   So, I think this was an issue that was  
5 very important to my clients as well. We were hoping  
6 that the Commission would rule on it.

7                   And again, our position has been there  
8 is no contractual obligation or no statutory  
9 obligation that would require them to provide these  
10 services. They were doing it in an effort initially  
11 to gain residents and to attract new residents. And  
12 it was merely meant as a temporary service for people  
13 who really needed it. In other words, individuals who  
14 were hospitalized or going through illnesses where  
15 they really required it on a short term basis.

16                   Heritage Village is not a nursing home.  
17 It's not a life care facility. It is an over 55  
18 community, but it's not designed to deal with elderly  
19 patients. And there are plenty of facilities out

20 there who can take care of that situation. It was  
21 merely meant as a gratuitous service in a temporary  
22 situation.

23                   And so . . . and the only reason for  
24 stopping the service, along with many other services,

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1 as I said, was because of this highly publicized  
2 budget crisis, and in an effort not to have to pass  
3 costs on to residents. So if they're forced to  
4 continue this service to Mr. Rabciecki it's essentially  
5 asking the other residence of Heritage Village to  
6 subsidize Mr. Rabciecki's preference for having this  
7 service. And so --

8                   CHAIRMAN NORTON: And there aren't any  
9 services like this service that they would be  
10 continuing to provide?

11                   ATTORNEY NAYRAD: There are other  
12 services that they will discontinue. For instance --

13                   CHAIRMAN NORTON: No, no. That's not  
14 what I asked.

15                   ATTORNEY NAYRAD: You're asking me if  
16 there are other services like this?

17                   CHAIRMAN NORTON: That they would  
18 continue to provide?

19                   ATTORNEY NAYRAD: This is really the  
20 only service that is like -- they only have this  
21 wheelchair assist service. They don't drive the  
22 residents to and from doctor's appointments. They  
23 don't do anything as far as --

24 CHAIRMAN NORTON: Drive them to the

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1 supermarket?

2 ATTORNEY NAYRAD: No. They don't do  
3 any of that. They don't do any medical care,  
4 treatments for their residents. They don't provide  
5 any medical services whatsoever. This was merely a  
6 gratuitous service that security officers initiated,  
7 and then just continued to do. And so . . .

8 CHAIRMAN NORTON: But it's --

9 COMMISSIONER BROWN: Excuse me.

10 Mr. Rabciecki knew that this was only a  
11 temporary -- not a permanent -- it was clearly  
12 delineated in your rules and regulations that this was  
13 only a temporary service?

14 ATTORNEY NAYRAD: I don't think that  
15 it's clearly delineated in the rules, and you can  
16 correct me if I'm wrong, Roger, because --

17 MR. GIORDANO: It's not delineated in  
18 the rules because it was never put into the rules.  
19 There was no service -- no service was ever indicated  
20 we're a community where people should basically be  
21 able to take care of themselves.

22 Certainly if somebody comes in with  
23 disabilities we do make accommodations for ramps, and  
24 so on, to the individual condos, but we're very

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1 similar to you living in your home, your individual

2 homes, and being responsible for your neighbor next  
3 door services.

4 COMMISSIONER BROWN: I see.

5 COMMISSIONER MARSHALL: Maybe you  
6 should get some kind of a policy together, or do a  
7 draft and give it to your tenants regarding it -- the  
8 residents so they get a broader outlook of what's  
9 going on so they won't be misled.

10 COMMISSIONER CONAWAY: Because you  
11 provided this services to the gentleman for the last  
12 six years? Since 2000; correct?

13 ATTORNEY NAYRAD: Right. We have done  
14 that, Commissioner.

15 And I think it's important to note that  
16 I think in the materials that were provided for the  
17 Commission, Mr. Rabecki accounts for over 60 percent  
18 of the calls that were made.

19 COMMISSIONER CONAWAY: It says over  
20 half. He does say that.

21 ATTORNEY NAYRAD: Over half, yes. And  
22 so, while yes, we have provided the service, it has  
23 become a financial burden to continue, not just that  
24 service, but many services, and other residents -- if

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1 we're forced to -- if my client is forced to rely on  
2 their security officers mainly to assist Mr. Rabecki  
3 in and out of his home, they're not going to be  
4 available for medical emergencies or for other  
5 residents who need that type of service.

6 COMMISSIONER MARSHALL: Okay. You say  
7 60 percent, but how much is 60 percent for an 81 year  
8 old man.

9 ATTORNEY NAYRAD: Well, I can tell you.  
10 I have the --

11 COMMISSIONER MARSHALL: I mean, does it  
12 happen at 7:00 in the morning, 12:00, regularly?

13 ATTORNEY NAYRAD: I have the -- and  
14 actually, Roger, you can --

15 MR. GIORDANO: In 2005 we had a  
16 wheelchair assist 428 incidents, but --

17 COMMISSIONER MARSHALL: Daily.

18 CHAIRMAN NORTON: Not -- it can't be  
19 daily.

20 COMMISSIONER MARSHALL: 365 is daily.

21 CHAIRMAN NORTON: Oh, yeah. Okay. You  
22 mean that this -- a trip is being requested daily.

23 COMMISSIONER MARSHALL: Yes.

24 MR. GIORDANO: And this year --

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1 CHAIRMAN NORTON: Sir, excuse me. You  
2 need to go to the mike and identify yourself please.

3 Thank you.

4 MR. GIORDANO: My name is Roger  
5 Giordano. I'm President of Heritage Village Master  
6 Association.

7 On the incident -- the wheelchair  
8 assists, they are down this year from last year,

9 because he's not utilizing -- he's utilizing the  
10 service less and less, but we're at 220 so far.  
11 Wheelchair assists.

12 CHAIRMAN NORTON: And he's more than  
13 half of it?

14 MR. GIORDANO: Yes.

15 CHAIRMAN NORTON: But you said  
16 something earlier about services offered at one point  
17 to attract people to the facility or to live there?

18 MR. GIORDANO: Technically what has  
19 happened is that the incidents of what services that  
20 the security safety officers provide is a good will  
21 gesture on a temporary basis.

22 For example, if somebody was needing  
23 surgery, they would come back, they would need some  
24 sort of assistance. Our safety officer would be

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1 called, and because they're qualified EMT's for  
2 emergencies, they have the credential to give some  
3 neighborly assistance.

4 The job description of the officer,  
5 these services are not written into policy. They are  
6 not written into the job description. These have  
7 happened to evolve over time. They are just goodwill  
8 out of the safety officer because of their  
9 qualifications.

10 We're at a point now where we need to  
11 cut back on them, and of course in this particular --  
12 you know, in the society we're living in today,

13 there's people now that really feel that they're  
14 entitled to those services, understanding that we're  
15 just a maintenance organization trying to cut the  
16 grass and take care of the snow removal, and now we're  
17 into some heavy issues on the medical side.

18                   There are three or four facilities,  
19 assisted living -- what normally happens is people  
20 come in as independents. They get to a certain age  
21 where they can't now take care of themselves, and now  
22 it's time to move on to an assisted living, or life  
23 care.

24                   What's happening is people are living a

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1 very long time, they're living here a little bit  
2 longer, and consequently they're becoming more and  
3 more dependent on medications and their -- and they're  
4 running out of money. And so even those options  
5 become less and less for them.

6                   But the Master Association is now at a  
7 point where we have to say to people, "We're not here  
8 to take care of your medical needs." That's not --  
9 you're an independent person who came here, and we'll  
10 be glad to shovel your snow, and we'll be glad to cut  
11 your grass, and we'll be glad to, you know, paint the  
12 outside of the buildings to make them look nice, but  
13 we're not -- if you need that kind of help, there are  
14 people that actually do that. Can help you. We have  
15 aids out there.

16 CHAIRMAN NORTON: Mr. Brothers, you  
17 don't think we should make a call here?

18 MR. BROTHERS: I understand the  
19 position that Heritage Village is in. And I  
20 understand that they're looking for the Commission to  
21 be able to say that they can stop doing this without  
22 any legal consequences.

23 I am not their attorney. I'm the  
24 attorney for the State of Connecticut Commission on

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1 Human Rights and Opportunities. I am not willing to  
2 be able to say that they absolutely do not have to do  
3 this, and no other association with similar type of --  
4 you know, housing and residents would not have to do  
5 that. I'm not going to do that.

6 It's a case by case analysis. And it  
7 may very well be that they have every right to stop  
8 the practice and that there will be no legal  
9 consequences, but I'm not going to be able to say that  
10 until such time as that happens and we know all of the  
11 facts.

12 CHAIRMAN NORTON: This would have a  
13 broad application if we were to --

14 MR. BROTHERS: Huge. State wide.

15 CHAIRMAN NORTON: Does anyone else --  
16 how do other Commissioners feel about accepting  
17 Mr. Brothers recommendation that we approve a  
18 declaratory ruling, which though doesn't take a strong  
19 standing.

20 COMMISSIONER BROWN: I understand. I  
21 have many friends who live in Heritage Village. And  
22 it was never a health care facility. It was never. I  
23 mean, people went out age 65 and so on, and there are  
24 other areas around in Southbury. When they need

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1 health care you move to those agencies.

2 I'm thinking about going out there  
3 myself at some point. And -- no seriously, because I  
4 have lots of friends there.

5 But I know you're in limbo, and it  
6 seems to me a decision can be made, but I understand  
7 you don't want to make it, because you're changing  
8 your concept of Heritage Village as it was originally  
9 -- I know people have been out 25/30 years, when you  
10 first started. So that you can't make it this kind of  
11 facility that it isn't. That's the only thing I --  
12 so, I'm in limbo with your decision.

13 CHAIRMAN NORTON: You can say  
14 something, identify yourself, but we're probably going  
15 to try to move it along.

16 MR. VANTASSEL: I would just like to  
17 say, I'm Bob Vantassel, I'm the previous president of  
18 Heritage Village.

19 And I'd like to say that we -- we're  
20 making some drastic cuts. What we have is we have  
21 people that are impacted, older people, who are on  
22 fixed incomes, and we've had to find ways of reducing

23 costs. Such as we've eliminated not only half of our  
24 security force. We've cut lifeguards. We've had to

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1 let senior people go because of the financial  
2 difficulty that we're in. And we've already cut the  
3 security force. If we're forced to do this, this  
4 would impose approximately -- we've cut about  
5 \$270,000.00 out of our budget in security officers,  
6 this would -- I don't know how it would impact, or how  
7 we would handle it if it was forced to go back in  
8 quite honestly.

9 CHAIRMAN NORTON: Any other views by  
10 any other Commissioners?

11 (No response.)

12 Well, let me then say I would accept a  
13 motion to approve the declaratory ruling being  
14 proposed by Commission Attorney.

15 Is someone willing to -- does someone  
16 want to make that motion to accept Mr. Brothers  
17 recommendation?

18 COMMISSIONER CONAWAY: I will.

19 CHAIRMAN NORTON: Commissioner Conaway.

20 Is there a second?

21 COMMISSIONER GRIFFIN: Second.

22 CHAIRMAN NORTON: Commissioner Griffin.

23 Okay. Then -- so in essence the --  
24 kind of hang back, don't decide for the whole state of

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1 Connecticut, or even for Heritage Village --

2                   COMMISSIONER BROWN: Excuse me,  
3 Commissioner, I'm voting against that.

4                   CHAIRMAN NORTON: Okay. I was just  
5 going to lay out what the vote was, just to be extra  
6 clear to -- especially for Commissioner Clarke who is  
7 returning.

8                   We have a motion to accept the  
9 declaratory ruling as recommended by Commission  
10 Attorney, which is in essence to say that we will not  
11 make a judgment as to what Heritage Village can and  
12 cannot do. Commission attorney feels that we would be  
13 making a very broad decision with impact scenarios  
14 that we don't know about, or can't know about, and  
15 that this should be a case heard, like many other  
16 cases, and decided on its own particular merits. Am  
17 I saying that well.

18                   MR. BROTHERS: You are.

19                   I mean, it would be similar to an  
20 employer saying can we terminate someone, and would it  
21 be illegal. And without knowing all the specific  
22 facts, I mean, we couldn't render an opinion.

23                   CHAIRMAN NORTON: So, there's a motion  
24 by Commissioner Conaway and seconded by Commissioner

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1 Griffin. All those in favor of the motion to accept  
2 the declaratory ruling as presented say aye.

3                   COMMISSIONERS GRIFFIN, CONAWAY,

4 MARSHALL AND CLARKE: Aye.

5 CHAIRMAN NORTON: Any opposed?

6 COMMISSIONER BROWN: Yes, I oppose.

7 CHAIRMAN NORTON: Any abstentions?

8 (No response.)

9 Then the declaratory ruling as  
10 recommended is adopted.

11 Then we need to set the schedule for  
12 the next year's commission meetings. I guess we're  
13 going to stick with -- go with 2:00 second Thursday of  
14 the month, February through next January?

15 MR. PECH: Alright. That's what you  
16 want to do.

17 There are a couple -- if you bear with  
18 me for a minute I've got a calendar. There are a  
19 couple you're going to have to change because of  
20 certain holidays, and then you have to decide when.  
21 So, just -- I've got all the holidays written here.

22 COMMISSIONER CLARKE: They can leave;  
23 right?

24 CHAIRMAN NORTON: Oh, yes. I'm sorry.

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1 Yes you may. I appreciate your forbearance for these  
2 several hours.

3 MR. PECH: I think September I recall  
4 being a problem.

5 CHAIRMAN NORTON: How could September  
6 be a problem?

7 COMMISSIONER CLARKE: Rosh Hashanah.  
8 Holidays.

9 MR. PECH: September 14. Rosh Hashanah  
10 begins the evening --  
11 CHAIRMAN NORTON: Do we have to decide  
12 today what date we will move it to?  
13 MR. PECH: Yes.  
14 CHAIRMAN NORTON: Okay.  
15 MR. PECH: We're required --  
16 CHAIRMAN NORTON: That's fine. That's  
17 fine. I'll just take yes.  
18 MR. PECH: So, the 13th is out. In  
19 terms of the 13th of September. You can have it --  
20 CHAIRMAN NORTON: Because of . . . ?  
21 MR. PECH: Because of the beginning of  
22 Rosh Hashanah.  
23 CHAIRMAN NORTON: Okay.  
24 MR. PECH: Which I think begins

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1 actually sunset the night before.  
2 You can have it Tuesday the 11th.  
3 CHAIRMAN NORTON: Alright. We will go  
4 with that. That's a week after Labor Day. That  
5 sounds good.  
6 COMMISSIONER GRIFFIN: 9/11.  
7 CHAIRMAN NORTON: That's true. You  
8 know what -- I don't know.  
9 COMMISSIONER CONAWAY: 9/11. That's  
10 not a holiday, is it?  
11 COMMISSIONER BROWN: Those of us who

12 can make it will make it, because Tuesdays are tough  
13 for me.

14 CHAIRMAN NORTON: Alright.

15 MR. PECH: And then the Christmas is on  
16 a Tuesday. December is okay.

17 That would be only one I see that you  
18 have to change.

19 CHAIRMAN NORTON: Okay. So, I'll  
20 accept a motion to approve a schedule whereby our  
21 meetings for 2007, and including January 2008, will  
22 start the second Thursday of every month at 2:00, with  
23 the exception that in September the meeting will be  
24 September 11th, Tuesday, at 2:00. Is there a motion

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1 to approve that schedule?

2 COMMISSIONER BROWN: So move.

3 COMMISSIONER CLARKE: Second.

4 CHAIRMAN NORTON: All those in favor of  
5 approving that schedule say aye.

6 COMMISSIONERS BROWN, GRIFFIN, CONAWAY,  
7 MARSHALL AND CLARKE: Aye.

8 CHAIRMAN NORTON: Is there any  
9 opposition? And abstentions?

10 (No response.)

11 Then that's our schedule.

12 Okay. We -- okay. Return to regular  
13 session. Sorry, we're going out of order.

14 So, we don't have -- hold on just a  
15 second. (Pause.)



19 powers of the office of the executive director in  
20 running this agency.

21 And we wish you good luck.

22 And is there a motion to adjourn?

23 COMMISSIONER GRIFFIN: So moved.

24 COMMISSIONER CONAWAY: Second.

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1 CHAIRMAN NORTON: Is there any  
2 discussion?

3 (No response.)

4 Oh, you don't discuss motions to  
5 adjourn, do you?

6 COMMISSIONER GRIFFIN: No.

7 CHAIRMAN NORTON: That's the whole  
8 point is to end discussion.

9 All those in favor say aye.

10 COMMISSIONERS BROWN, GRIFFIN, CONAWAY,

11 MARSHALL AND CLARKE: Aye.

12 CHAIRMAN NORTON: Anyone opposed?

13 Anyone abstaining?

14 (No response.)

15 We're adjourned.

16

17 (Whereupon the proceedings concluded

18 for the day.)

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C E R T I F I C A T I O N

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STATE OF CONNECTICUT)

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) ss.

COUNTY OF HARTFORD )

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6

I, Nancy E. Paretti, a Notary Public in

7

and for the State of Connecticut, do hereby certify

8

that the foregoing record is a correct and verbatim

9

computer-aided transcription of the proceeding

10

hereinbefore set forth.

11

I further certify that I am neither

12

counsel for, nor related to, nor employed by any of

13

the parties to the action in which this proceeding is

14

taken and further certify that I am not related to,

15

nor an employee of any attorney or representative

16

employed by the parties thereto, nor am I financially

17

interested in this action.

18

In witness whereof I have hereunto set

19

my hand and affixed my notarial seal this date,

20

December 18, 2006.

21

\_\_\_\_\_

22

Nancy E. Paretti

23

Notary Public

24

My commission expires February 28, 2007

