

**STATE OF CONNECTICUT COMMISSION ON HUMAN RIGHTS AND  
OPPORTUNITIES**

CHRO ex rel. Carrie King-Hardy  
COMPLAINANT

vs.

Case No. 0110232

Bloomfield Board of Education  
RESPONDENT

**RULING ON THE PETITION FOR A DECLARATORY RULING FILED BY THE  
BLOOMFIELD BOARD OF EDUCATION**

**I. INTRODUCTION:**

This petition for a Declaratory Ruling stems from a complaint of discrimination filed by Carrie King-Hardy (Complainant) against the Bloomfield Board of Education (Respondent) with the Commission on Human Rights and Opportunities (CHRO) on December 18, 2000. By Petition for a Declaratory Ruling dated July 12, 2005, the Respondent has requested a “ruling on the validity of the denial of its Motion for Administrative Dismissal or in the alternative whether the issues currently being decided are barred by the doctrine of *res judicata* or collateral estoppel as they have been fully and finally adjudicated in the federal district court action of Carrie King-Hardy v. Bloomfield Board of Education, 3:01cv979(PCD).”

**II. PARTIES:**

The parties to this recommended Declaratory Ruling are:

Bloomfield Board of Education	CHRO
1133 Blue Hills Ave.	21 Grand St.
Bloomfield, CT 06002	Hartford, CT 06106

The Bloomfield Board of Education is represented by Attorney Thomas P. O'Dea, Jr., of Halloran & Sage, 315 Post Rd. West, Westport, CT 06880.

In addition, the Complainant has an interest in the subject matter of this Declaratory Ruling. She is:

Carrie King-Hardy  
60 Burnt Hill Rd.  
Farmington, CT 06032

Ms. King Hardy is represented by Attorney Kimberly A. Graham, 621 Farmington Ave., Hartford, CT 06105.

The Certification on the Respondent's Petition for a Declaratory Ruling indicates that a copy of the Petition was provided to Attorney Graham. The CHRO has not heard from Attorney Graham in connection with this petition. Pursuant to statute and regulation, the Complainant could have intervened or been made a party to this proceeding. See CONN. GEN. STAT. Section 4-176(d); Section 46a-54-124 of the REGULATIONS OF CONNECTICUT STATE AGENCIES.

### III. FACTS ESSENTIAL TO THIS RECOMMENDATION:

Ms. King-Hardy filed a complaint with the Commission on December 18, 2000, alleging that the Bloomfield Board of Education denied her equal terms and conditions of employment because of her physical disability and her race. The complaint was amended on March 26, 2001 to add additional allegations of denial of equal terms and conditions of employment. It was again amended on March 10, 2004 to allege additional acts of discrimination, including Complainant's termination on April 9, 2001.

In 2001, the Complainant also commenced a civil action in the federal court for the District of Connecticut against the Bloomfield Board of Education. In May of 2002, a jury verdict in favor of the Bloomfield Board of Education was returned. Following this, the Respondent requested that the Commission administratively dismiss the pending complaint, claiming that all issues raised in the complaint as amended had been decided by the federal court, and the doctrines of collateral estoppel and *res judicata* prevented further investigation of them. The Commission denied the request, as there was some question as to whether all the issues raised in the complaint as amended had been addressed by the federal court decision. The investigation proceeded. Reasonable cause

was found on May 20, 2005, conciliation failed, and the case was certified to public hearing on June 21, 2005.

#### **IV. RULING**

As noted, there is presently an ongoing complaint of discrimination, involving the Respondent, in the public hearing process. Under the circumstances presented here, it would be neither wise nor prudent to create an alternate forum to the Public Hearing process beyond that which the General Assembly has provided. The language of our statutes, the legislative intent in amending the statutes and past Commission precedent support this conclusion. By filing this Petition, the Respondent effectively is seeking to circumvent the legislatively approved process for investigating and hearing individual complaints of discrimination. The declaratory judgment process was not designed to be used in this manner, either to replace the Public Hearing process, or to supplement the appeal rights of Respondents, as a party has a direct right to appeal a declaratory ruling.

Accordingly, the Commission sets this matter down for specified proceedings, to wit: the already scheduled public hearing pursuant to CONN. GEN. STAT. Section 46a-84. Under the circumstances of this case, it is more appropriate that this issues raised by this petition, which have also been raised in the Respondent's answer to the public hearing complaint, be

decided within the context of the public hearing, and not through the CHRO's declaratory ruling process.

COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Adopted by a unanimous / majority vote of the Commissioners of the Commission on Human Rights and Opportunities present and voting at the Regular Commission Meeting of the Commission held on September 8, 2005, at Hartford, Connecticut.

Attest: \_\_\_\_\_  
Chairperson

Date: \_\_\_\_\_