

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

Jim Sterle  
COMPLAINANT

vs.

Case No. 0520405

Elizabeth Arden, Inc.  
RESPONDENT

**RULING ON THE PETITION FOR A DECLARATORY RULING  
FILED BY ELIZABETH ARDEN, INC.**

**I. INTRODUCTION:**

This petition for a Declaratory Ruling stems from a complaint of discrimination filed by Jim Sterle (Complainant) against Elizabeth Arden, Inc. (Respondent) with the Commission on Human Rights and Opportunities (CHRO) on March 2, 2005. The CHRO dismissed Complainant's complaint through the MAR process on August 2, 2005 on the ground that Complainant did not work in Connecticut and there appeared to be no connection between this state and the acts taken against Complainant. Complainant applied for reconsideration, which was granted on December 15, 2005. In granting reconsideration, the CHRO noted that Complainant produced evidence to show that the decision to fire him was made in Connecticut.

On February 7, 2006, Respondent filed a petition for a Declaratory Ruling. The petition asked the CHRO to determine whether the CHRO had jurisdiction over Complainant's complaint.

**II. PARTIES:**

The parties to this recommended Declaratory Ruling are:

Elizabeth Arden, Inc.  
200 First Stamford Plaza  
Stamford, CT 06902

CHRO  
21 Grand Street  
Hartford, CT 06106

Elizabeth Arden is represented by Attorney A. Robert Fischer, Jackson Lewis LLP, 177 Broad Street, P.O. Box 251, Stamford, CT 06904-0251.

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

Jim Sterle  
4658 Foresman Court  
Murfreesboro, TN 37128

Mr. Sterle is represented by Attorney Stephen P. Horner, 2183 Boston Post Road, Darien, CT 06820.

**III. FACTS ESSENTIAL TO THIS RULING:**

Complainant filed a complaint with CHRO on March 2, 2005 alleging that he was discriminated against on the account of his age by Respondent, which fired him on September 16, 2004 allegedly for poor job performance. Respondent's position was that because Complainant did not live or work in Connecticut and the company's decision to fire him originated outside Connecticut, the CHRO lacked jurisdiction over Complainant's complaint. Complainant argued that the Respondent maintained offices in the state and his supervisors worked in Connecticut.

The current posture of the case is that Complainant's request for reconsideration was granted. Accordingly, the case was sent back to the investigator to determine the

factual issue of whether CHRO has jurisdiction over this case. Respondent's Declaratory Ruling was filed on the heels of the granting of the request for reconsideration.

#### **IV. RULING**

As noted, there is presently an ongoing complaint of discrimination in the investigation process. In effect, the Respondent's petition for a Declaratory Ruling is an attempt to appeal the Executive Director's decision granting Complainant's request for reconsideration. Unfortunately for the Respondent, no statute authorizes appeals from decisions granting reconsideration, and the CHRO should be reluctant to authorize the process which simply asks the agency to revisit the decision already made. If Respondent wishes to contest the issue of CHRO's jurisdiction, it has every right to participate in the investigation and convince the investigator that the decision to terminate was not made in this state.

Accordingly, the Commission sets this matter for specified proceedings, to wit: the ongoing investigation. Under the circumstances of this case, it is more appropriate that the issues raised by this petition be decided in the investigation process, 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 March 9, 2006, at Hartford, Connecticut.

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

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