

**STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
OFFICE OF PUBLIC HEARINGS**

DONALD HUSTON <i>Complainant</i>	:	OPH/WBR NO. 2012-184
	:	
V.	:	
C. BEITMAN, <i>et al</i> :	:	
<i>Respondents</i>	:	MARCH 28, 2012

MOTION TO DISMISS FOR LACK OF JURISDICTION

PRELIMINARY FINDING

This motion to dismiss is being raised sua sponte based on this tribunal's lack of subject matter jurisdiction pursuant to § 4-61dd-15 of the Regulations of Connecticut State Agencies (Regulations). The Respondent is not a quasi-public agency as defined in General Statutes § 4-61dd et seq. therefore this tribunal lacks subject matter jurisdiction over this complaint. For that reason, which is more fully set forth herein, this complaint is dismissed.

PROCEEDURAL HISTORY

Complainant, Donald Huston, filed a whistleblower retaliation complaint pursuant to General Statutes § 4-61dd-15 on March 9, 2012. The complainant is a Meriden city police officer. The respondents are various employees of the City of Meriden, including its Personnel Officer, Chief of Police, Deputy Chief of Police and several other police

officers. The complainant alleged that he sent a letter, on April 1, 2011, to the Meriden City Manager alleging abuses, serious threats to public safety and corruption in the Meriden Police department. Since the date of the letter he alleges that he was being retaliated against in the workplace, and was also a victim of discrimination and hostile work environment. As of this date the respondent has not filed an answer.

DISCUSSION

General Statutes § 4-61dd (b) provides:

No state officer or employee, as defined in section 4-141, no quasi-public agency officer or employee, no officer or employee of a large state contractor and no appointing authority shall take or threaten to take any personnel action against any state or quasi-public agency employee or any employee of a large state contractor in retaliation for such employee's or contractor's disclosure of information to an employee of (i) the Auditors of Public Accounts or the Attorney General under the provisions of subsection (a) of this section; (ii) the state agency or quasi-public agency where such state officer or employee is employed; (iii) a state agency pursuant to a mandated reporter statute; or (iv) in the case of a large state contractor, to an employee of the contracting state agency concerning information involving the large state contract.

The complainant alleged that the respondents were employees of a quasi-public agency.¹ A Quasi-Public agency is defined in General Statutes Sec. 1-120. The qualifying entities are specifically enumerated. The entities listed are, “the Connecticut Development Authority, Connecticut Innovations, Incorporated, Connecticut Health and Educational Facilities Authority, Connecticut Higher Education Supplemental Loan

¹ Whistleblower Retaliation form Complaint, paragraph 6, check answer (2), “quasi-public agency as listed in General Statutes sec 1-120. “

Authority, Connecticut Housing Finance Authority, Connecticut Housing Authority, Connecticut Resources Recovery Authority, Capital City Economic Development Authority, Connecticut Lottery Corporation and Health Information Technology Exchange of Connecticut.

The respondents, employees of the town of Meriden and the Meriden Police Department, are not quasi-public agencies, which is the only qualifying status that is alleged that would bestow jurisdiction over this subject matter. This tribunal has no jurisdiction over the subject complaint and, accordingly, it must be, and hereby is, **DISMISSED**.

It is so ordered this 28th day of March 2012.

Michele C. Mount, Human Rights Referee

cc.

Donald Huston – certified no. 7008 2810 0002 3670 6206

Carol Beitman, Personnel Officer/City of Meriden – certified no. 7008 2810 0002 3670 6183

Jeffrey W. Cossette, Chief of Police – certified no. 7008 2810 0002 3670 6190

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