



State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
OFFICE OF PUBLIC HEARINGS

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Promoting Equality and Justice for all People

April 13, 2023

CHRO ex rel. David Taylor v. CT Department of Consumer Protection CHRO No. 0910275.

FINAL DECISION

Dear Complainant/Respondent/Commission:

Transmitted herewith is a copy of the Presiding Referee's Final Decision in the above captioned complaint.

The decision is being sent via email to the commission and respondent, via regular mail to the complainant.

Very Truly yours,


Kimberly D. Morris
Secretary II

cc.

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

Commission on Human Rights and
Opportunities ex rel. David Taylor,
Complainant

CHRO No. 0910275

v.

Connecticut Department of Consumer Protection,
Respondent

April 13, 2023

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FINAL DECISION

Procedural History

David Taylor filed his affidavit of illegal discriminatory practice (affidavit) with the commission of human rights and opportunities (commission) on January 14, 2009. In his affidavit, he alleged that the department of consumer protection (department) violated General Statutes §§ 46a-58 (a), 46a-71, 46a-73 and 46a-80 by denying him a professional engineering license because of his national origin and prior criminal record. He amended his affidavit on March 31, 2010. On October 20, 2011, the commission certified the affidavit as amended to the office of public hearings.

On January 8, 2013, the commission filed notice that pursuant to General Statute § 46a-84 (d) it was deferring prosecution of this matter to Mr. Taylor.

Mr. Taylor filed a revised affidavit of illegal discriminatory practice (revised complaint) with the commission on November 23, 2018. The revised complaint was received by this office on January 25, 2019. In his revised complaint, Mr. Taylor alleged that the department violated General Statutes sections 46a-58 (a), 46a-59, 46a-71, 46a-

73, 46a-74, 46a-80, Article 14 of the constitution of the United States Constitution, and Article 1, Section 20 of the constitution of Connecticut. Essentially, Mr. Taylor again alleged that the department denied him a professional engineer's license because of his national origin as a British citizen and his criminal conviction.

On April 27, 2022, the undersigned was assigned as presiding human rights referee.

On July 22, 2022, the department filed its answer and special defenses denying the allegations of discrimination.

Following two pre-hearing dismissals by the then-presiding human rights referee, two appeals of those dismissals, and two remands to this office by the superior court, the public hearing on the revised complaint was held on February 7 and 8, 2023. The hearing was conducted via zoom.

Briefs were to be filed and served on or before April 5, 2023, at which time the record closed.

For the reasons set forth herein, the revised complaint is dismissed.

I
Parties

The parties to this action are the Commission on Human Rights and Opportunities, 450 Columbus Blvd., Hartford, Connecticut; David Taylor, Osborn Correctional Institution, Somers, Connecticut; and the Connecticut Department of Consumer Protection, c/o Attorney Colleen Valentine, Assistant Attorney General, 165 Capitol Avenue, Hartford, Connecticut.

II Findings of Fact

Based upon a review of the pleadings, exhibits, and transcripts and an assessment of the credibility of the witnesses, the following facts relevant to this decision are found (FF). References to the transcript are designated by Volume number and "Tr." followed by the page number.¹ References to exhibits are designated by CHRO for the commission and R for the Connecticut Department of Consumer Protection followed by the exhibit number.

1. Mr. Taylor is a British citizen. Vol 1, 35.
2. Mr. Taylor began working in the engineering profession in Britain in 1972. Vol 1, 41.
3. Mr. Taylor held various engineering licenses and professional memberships in the United Kingdom. Vol 1, 41-43; CHRO-7.
4. Holding a license or registration issued by another country does not automatically qualify one to work in Connecticut as a professional engineer unless that person can prove that the education and work experience is equivalent to Connecticut's requirements and the person has taken and passed the examinations National Council of Examiners for Engineering and Surveying (NCEES). Vol 2, 15, 36, 48, 127; R-4, p. 2.

¹ Note that for each day, the transcript pagination begins anew with page 1. The volume number reflects the day of the hearing.

5. A foreign engineering license that did not require a four-year degree in engineering and that did not require the NCEES examination would not be equivalent to a Connecticut license. Vol 2, 105.
6. Mr. Taylor has been in the United States since 1996. Tr. 37-38.
7. Since 1999, Mr. Taylor has been incarcerated by the State of Connecticut Department of Correction. Vol 1, 35.
8. On or about May 9, 2008, Mr. Taylor applied to the Connecticut Department of Consumer Protection (department) acting through its board of examiners for professional engineers and land surveyors (board) for a Class 4 reciprocity professional engineer license. Vol 1, 49-50; CHRO-4.
9. The board is charged with the responsibility of evaluating the qualifications of candidates for licensure in Connecticut, including a professional engineering license. Vol 2, 69.
10. To obtain a Class 4 reciprocity license, an applicant must already hold an equivalent license in another jurisdiction. The foreign jurisdiction must have required the license holder, as a prerequisite to obtaining that license, to have passed the two-part examination administered by the NCEES. Vol 2, 15, 36, 48; R-4, p. 2.
11. The board has not in at least the past twenty-eight years waived the NCEES examination requirement. Vol 2, 103; R-7.
12. At the time of the filing of his application with the department, and up to the date of the hearing, Mr. Taylor had not taken the NCEES examination. Vol 1, 101, 112.

13. In 2008, the NCEES gave its examinations twice a year at specific locations. The examinations were given throughout the country at the same time. Vol 2, 49.
14. Although Connecticut coordinates the sites for testing, it does not create the test sites or the exams. Vol 2, 120-121.
15. Although the board could have transferred Mr. Taylor's Class 4 application to a Class 1 application, which would have allowed him to take the NCEES examination; vol 2, 115; in 2008, NCEES examinations would not have been held in a correctional facility for a single individual; Vol 2, 120-122.
16. In completing his application, Mr. Taylor did not comply with the application's instructions. He did not provide signatures of personal endorsers. His references did not include references from the requisite three licensed professional engineers. He did not provide a verification of education form that had been completed and sealed by the college or university from which he had graduated and that had been sent directly by the college or university directed to the department. He did not provide a verification of registration under seal. CHRO-4; R-13. He did not provide an evaluation of his foreign educational courses and degrees by an approved evaluation service. Vol 1, 94-102, 120-121; Vol 2, 53-54; CHRO-4, CHRO-5, CHRO-6; R-9, R-13.
17. The work experience Mr. Taylor listed in his application appeared to relate to his technical experience rather than to any design experience. Vol 2, 123-124.

18. The board has never granted a license to an applicant who failed to supply a transcript or educational verification directly from the educational institution. Vol 2, 106.
19. The board has always required that the application include the signatures of the personal endorsers on the application. Vol 2, 107. Personal endorsers are necessary because it is important for an applicant to have worked with people who are aware of and can vouch for the applicant's work experience. Vol 2, 107-108.
20. The board requires that an applicant have completed a four-year engineering curriculum approved by the national Accreditation Board for Engineering and Technology. Vol 2, 77.
21. Mr. Taylor did not attend a four-year university or obtain a four-year education degree in engineering in either the United States or Britain. Vol 1, 100-101.
22. Although General Statutes § 20-302 (1) permits the board to accept work experience in lieu of the education and degree requirements, the board has never granted such a waiver. Vol 2, 88.
23. An applicant holding a foreign educational degree is required to prove that the applicant's education is equivalent to the education required in the United States. The applicant must contact an approved education evaluation service to conduct an evaluation and provide the results to the board. Vol 2, 89-90. Evaluation from an approved education service is necessary because the board receives applications from all over the world and needs to ensure consistency in education and evaluation. Vol 2, 125.

24. The commission and Mr. Taylor did not prove that Mr. Taylor's education was equivalent to the standard required by the board. Vol 2, 131.
25. An applicant with a foreign education degree could complete the standard application and apply for an evaluation of the foreign education to determine equivalency. The applicant could then take the NCEES examination to be consistent with all the other applicants who have applied for licensure in Connecticut. Vol 2, 104.
26. The board denied Mr. Taylor's application on November 18, 2008. CHRO-12, CHRO-13; R-16.
27. The board did not provide Mr. Taylor with any notice that there would be a hearing on his application or that he could appear at a hearing on his application. Vol 1, 53-54, 122, 136. Had the department allowed Mr. Taylor to appear at a hearing, he would have been able to attend telephonically. Vol 1, 75. Applicants are not specifically notified of board meetings or of any opportunity to participate. Vol 2, 73. Applicants are permitted to attend but the burden is on them to contact the board in advance. Vol 2, 99.
28. The board notified Mr. Taylor of the denial of his application by correspondence dated December 18, 2008. CHRO 13; R-16.
29. In its notification to Mr. Taylor, the board stated that his application was denied because: (1) there was no evidence that he had passed the NCEES exams and (2) no evidence that he held a basic degree in engineering. The department further stated that, pursuant to General Statutes § 46a-60, it had also considered the

nature of the crime committed by Mr. Taylor and the time elapsed since his release from prison. CHRO-13; R-15, R-16.

30. Because Mr. Taylor never took and passed the two-part NCEES examination, he would not have qualified for the Class 4 license even if he had never been convicted of a crime and even if he had not been incarcerated at the time of his application. Vol 2, 117.

31. No evidence was introduced that the department had ever granted a license to any individual who had not taken and passed both NCEES examinations under a Class 4 license application. Vol 1, 112. 122-123.

32. The board has granted licenses to applicants from other countries. Vol 2, 119.

33. Mr. Taylor could have asked for reconsideration of the denial and provided additional information such as transcripts and other verification. Vol 2, 119. Although Mr. Taylor did request reconsideration, he withdrew the request prior to the board acting on it. R-22, R-23.

34. Even if Mr. Taylor had not withdrawn his reconsideration request, without his having passed the NCEES examinations the board would not have changed its denial. Vol 2, 119.

III Causation

Our appellate court in *Wallace v Caring Solutions, LLC*, 213 Conn. App. 605, 278 A.3d 586 (2022) recently discussed that the causation test for discrimination cases under Connecticut law is the motivating factor test; that is, a complainant must prove only that illegal discrimination was a cause in a respondent's adverse action.

IV

Alleged discrimination based upon national origin and criminal conviction

A

Applicable statutes and regulations

The following statutes and regulations are applicable to the present case.

1

Statutes

Sec. 46a-58. (a) It shall be a discriminatory practice in violation of this section for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability or status as a veteran.

Sec. 46a-59. (a) It shall be a discriminatory practice in violation of this section for any association, board or other organization the principal purpose of which is the furtherance of the professional or occupational interests of its members, whose profession, trade or occupation requires a state license, to refuse to accept a person as a member of such association, board or organization because of his race, national origin, creed, sex, gender identity or expression, color or status as a veteran.

(b) Any association, board or other organization which violates the provisions of this section shall be fined not less than one hundred dollars nor more than five hundred dollars.

Sec. 46a-71. (a) All services of every state agency shall be performed without discrimination based upon race, color, religious creed, sex, gender identity or expression, marital status, age, national origin, ancestry, intellectual disability, mental disability, learning disability, physical disability, including, but not limited to, blindness, or status as a veteran.

(b) No state facility may be used in the furtherance of any discrimination, nor may any state agency become a party to any agreement, arrangement or plan which has the effect of sanctioning discrimination.

(c) Each state agency shall analyze all of its operations to ascertain possible instances of noncompliance with the policy of sections 46a-70 to 46a-78, inclusive, and shall initiate comprehensive programs to remedy any defect found to exist.

(d) Every state contract or subcontract for construction on public buildings or for other public work or for goods and services shall conform to the intent of section 4a-60.

Sec. 46a-73. (a) No state department, board or agency may grant, deny or revoke the license or charter of any person on the grounds of race, color, religious creed, sex, gender identity or expression, marital status, age, national origin, ancestry, status as a veteran, intellectual disability, mental disability, learning disability or physical disability, including, but not limited to, blindness, unless it is shown by such state department, board or agency that such disability prevents performance of the work involved.

(b) Each state agency shall take such appropriate action in the exercise of its licensing or regulatory power as will ensure equal treatment of all persons and eliminate discrimination and enforce compliance with the policy of sections 46a-70 to 46a-78, inclusive.

Sec. 46a-74. No state department, board or agency may permit any discriminatory practice in violation of section 46a-59, 46a-64 or 46a-64c.

Sec. 46a-80. (a) Except as provided in subsection (b) of this section, and subsection (b) of section 46a-81 and section 36a-489, and notwithstanding any other provisions of law to the contrary, a person shall not be disqualified from employment by the state of Connecticut or any of its agencies, nor shall a person be disqualified to practice, pursue or engage in any occupation, trade, vocation, profession or business for which a license, permit, certificate or registration is required to be issued by the state of Connecticut or any of its agencies solely because of a prior conviction of a crime.

(b) A person may be denied employment by the state or any of its agencies, or a person may be denied a license, permit, certificate or registration to pursue, practice or engage in an occupation, trade, vocation, profession or business by reason of the prior conviction of a crime if after considering (1) the nature of the crime and its relationship to the job for which the person has applied; (2) information pertaining to the degree of rehabilitation of the convicted person; and (3) the time elapsed since the conviction or release, the state, or any of its agencies determines that the applicant is not suitable for the position of employment sought or the specific occupation, trade, vocation, profession or business for which the license, permit, certificate or registration is sought.

(c) If a conviction of a crime is used as a basis for rejection of an applicant, such rejection shall be in writing and specifically state the evidence presented and reasons for rejection. A copy of such rejection shall be sent by registered mail to the applicant.

(d) In no case may records of arrest, which are not followed by a conviction, or records of convictions, which have been erased, be used, distributed or disseminated by the

state or any of its agencies in connection with an application for employment or for a permit, license, certificate or registration.²

Sec. 20-302. Requirements for licensure. No person shall practice or offer to practice the profession of engineering in any of its branches, including land surveying, or use any title or description tending to convey the impression that such person is a professional engineer or a land surveyor, unless such person has been licensed or is exempt under the provisions of this chapter. The following shall be considered as minimum evidence satisfactory to the board or Commissioner of Consumer Protection that the applicant is qualified for licensure as a professional engineer, engineer-in-training, land surveyor or surveyor-in-training, respectively:

(1) Professional engineer: Graduation from an approved course in engineering in a school or college approved by the board or commissioner as of satisfactory standing, a specific record of an additional four years of active practice in engineering work, which shall be of a character satisfactory to the board or commissioner, and the successful passing of a written or written and oral examination prescribed by the board, with the consent of the commissioner, the first part of which shall test the applicant's knowledge of fundamental engineering subjects, including mathematics and the physical sciences, and the second part of which shall test the applicant's ability to apply the principles of engineering to the actual practice of engineering. In lieu of graduation as specified in this subdivision, the board or commissioner may accept, as an alternative, six years or more of experience in engineering work which shall be of a character satisfactory to the board and which shall indicate knowledge, skill and education approximating that attained through graduation from an approved course in engineering. The board or commissioner may waive the written examination requirement in the case of an applicant who submits a specific record of twenty years or more of lawful practice in engineering work which shall be of a character satisfactory to the board or commissioner and which shall indicate

² P.A. 09-209 amended Subsec. (a) by adding exception for Sec. 36a-489; P.A. 10-142 made technical changes in Subsec. (a), added new Subsec. (b) prohibiting inquiry about prospective employee's past convictions until employee is deemed qualified for position unless statutes specifically disqualify persons with criminal convictions and redesignated existing Subsecs. (b) to (d) as Subsecs. (c) to (e); P.A. 14-27 amended Subsec. (c) to add provisions re state or its agencies to give consideration to provisional pardon or certificate of rehabilitation and such pardon or certificate to establish presumption of rehabilitation, and re state or agency to give written statement of reason for denial of employment when applicant received provisional pardon or certificate of rehabilitation; P.A. 21-32 replaced references to prior convictions with references to conviction information and made conforming changes, amended Subsec. (e) to replace reference to records of arrest or conviction with provision re erased criminal history record information, nonconviction information and criminal history record information and added Subsec. (f) re prohibiting discrimination on basis of erased criminal history record information, effective January 1, 2023.

that the applicant is competent to be in responsible charge of such work, and may waive the first part of the written examination for an applicant who has completed an approved course in engineering and has at least eight years of engineering experience.

* * *

2
Regulations

Sec. 20-300-1. Definitions

(a) "Board" means the state board of examiners for professional engineers and land surveyors as provided for in the general statutes.

(b) "Engineer-in-training" means a person who has been granted a license as an engineer-in-training after meeting in part the requirements for licensure as a professional engineer and who, upon completion of the requisite years of experience in engineering work of a character satisfactory to the board, is eligible for the second part of the prescribed examination for licensure as a professional engineer.

(c) "Surveyor-in-training" means a person who has been granted a license as a surveyor-in-training after meeting in part the requirements for licensure as a licensed land surveyor and who, upon completion of the requisite years of experience in land surveying work of a character satisfactory to the board, is eligible for the remaining parts of the prescribed examination for licensure as a land surveyor.

(d) "Accredited programs" means those specific engineering and surveying curriculums offered at colleges, universities and other educational institutions within the United States or Canada that have received accreditation from the accreditation board for engineering and technology (ABET) or the Canadian accreditation board (CAB) and have been accepted by the board as recognition of the applicants attaining a first professional degree to qualify for licensure as a professional engineer. For land surveying licensure, the board may recognize educational institutions whose surveying curriculum have received regional accreditation.

(e) "Non-graduate" means an applicant for a professional engineer, land surveyor, engineer-in-training, or surveyor-in-training license who did not graduate from an accredited program, as accredited by ABET or CAB, but who may possess an engineering degree from a non-accredited engineering curriculum at educational institutions in the United States, Canada, or other nations outside of the United States. It shall also apply to graduates of engineering technology and certain science curriculums and other applicants for licensure possessing no professional degrees but having the requisite years of experience acceptable to the board and meeting the requirements cited in the state statutes.

(f) "Shop Drawing" means a working drawing, diagram, illustration, schedule, performance chart, brochure, or other data which illustrates how specific portions of the system design shall be fabricated and/or installed.

Sec. 20-300-3. Classes of applicants

Each applicant shall designate the classification in the following schedule of minimum requirements under which the application is to be considered. However, the board may, at its discretion, consider it under another classification.

(a) Professional engineer.

* * *

(4) Class 4. The applicant shall hold a license, certificate or qualification or registration issued by a proper authority of any state or territory or possession of the United States, or any country, provided the requirements for licensure or registration of professional engineers under which such license, certificate of qualification or registration was issued shall not conflict with the statutory provisions pertaining to and be of a standard not lower than the requirements for licensure of professional engineers in the State of Connecticut.

**B
Standard**

The commission and the department agree that the standard to be applied is the *McDonnell Douglas* burden shifting paradigm used in employment cases. Commission post-hearing brief, p. 13; Department post-hearing brief, p. 15, citing *Agosto v Premier Maint. Inc.*, 185 Conn App. 559, 573 (2018).

“Under this analysis, the employee must first make a prima facie case of discrimination. *Id.*, at 637, 791 A.2d 518. In order for the employee to first make a prima facie case of discrimination, the plaintiff must show: (1) the plaintiff is a member of a protected class; (2) the plaintiff was qualified for the position; (3) the plaintiff suffered an adverse employment action; and (4) the adverse employment action occurred under circumstances that give rise to an inference of discrimination.... The employer may then rebut the prima facie case by stating a legitimate, nondiscriminatory justification for the employment decision in question.... This is burden is one of production, not persuasion; it can involve no credibility assessment.... The employee then must demonstrate that the

reason proffered by the employer is merely a pretext and that the decision actually was motivated by illegal discriminatory bias.” (Citations omitted; internal quotation marks omitted.) *Feliciano v. Autozone*, 316 Conn. 65, 73-74, 111 A.3d 453 (2015); *Chima v KX Technologies, LLC.*, Docket No. 3:21-CV-00801 (JHC), 2022 WL 13682064, *5-6 (D. Conn. October 21, 2022).

C Analysis

1

The commission and Mr. Taylor have met the de minimis elements to establish a prima facie case. Mr. Taylor is a member of a protected class based on his national origin and on having applied for a Class 4 license following a criminal conviction. He arguably possesses the education and experience for a Class 4 license. He suffered an adverse action when his application was denied. In misapplying and misinterpreting § 46a-80 and failing to follow correct procedure, the board created the inference that the denial was due to discrimination.

The department articulated legitimate, nondiscriminatory justifications for the denial of the application: Mr. Taylor did not pass the NCEES examinations, he did not hold a basic degree in engineering, and his application was insufficient.

The commission and Mr. Taylor failed to demonstrate that the reasons proffered by the department and board were merely pretexts for a decision that was motivated by illegal discriminatory bias.

Mr. Taylor alleged that the department discriminated against him because of his national origin in violation of several state and federal statutes and constitutional provisions. There is no persuasive evidence that Mr. Taylor's national origin was a cause of the denial of his application.

Mr. Taylor also alleged that the department illegally discriminated against him because of his criminal conviction. In 2008, § 46a-80 (a) provided in part that a person cannot be denied a license by a state agency "solely because of a prior conviction of a crime". (Emphasis added.) A state agency may deny a license to a person with a prior conviction "if, after considering (1) the nature of the crime and its relationship to the job for which the person has applied; (2) information pertaining to the degree of rehabilitation of the convicted person; and (3) the time elapsed since the conviction or release, the state or any of its agencies determines that the applicant is not suitable for the position of employment sought or the specific occupation, trade, vocation, profession or business for which the license, permit, certificate or registration is sought." § 46a-80 (c).

As is evident from the department's denial letter, the department did consider at least two of the factors set forth in § 46a-80. CHRO-13; R-16. Testimony from a board member and retired employees, though, suggests that the board misinterpreted the section's criteria. For example, the board incorrectly believed that Mr. Taylor could not apply for a license until his release from incarceration. "Clearly, the statute does not absolutely require that the person have completed his sentence and be released. Instead,

the third factor requires the agency to consider the time elapsed since conviction OR release. Further, the statutory factors are merely factors to be considered in determining whether or not a previously convicted applicant is suitable, keeping in mind that subsection (c) of § 46a-80 only permissively allows a denial but does not require a denial.” (Emphasis in original.) *Commission on Human Rights and Opportunities v Department of Consumer Protection*, Docket No. HHB-CV-216065248s, 2022 WL 620375, *4.

Similarly, the board also incorrectly believed that Mr. Taylor could not be rehabilitated while he remained incarcerated; Vol 1, 189-190; Vol 2, 26, 149; and must have already met the requirements of the sentence and terms of his punishment; Vol 2, 84-85. However, “[d]egree of rehabilitation is a relative term which requires consideration and judgement of applicable facts, and which does not necessarily require completion of a criminal sentence and release. Consideration of this factor is to be made in relation to the circumstances of the license applied for.” *Id.*, n. 10.

Likewise, it is not clear that the board followed proper procedure. Normally the board would not receive an application for review until an investigation was done or it had been determined that no investigation was necessary. Vol 2, 72. But, while the meeting minutes and denial letter reference § 46a-80 criteria, the board did not have for its November 18, 2008 meeting the written criminal conviction application worksheet that was prepared by its investigator on November 19, 2008 and signed-off on by the investigator’s supervisor on November 20, 2008. Vol 1, 157; Vol 2, 18, 23; CHRO-9. The board’s decision becomes final within thirty days of its decision unless it receives an application for reconsideration. Yet, it did not transmit its decision to Mr. Taylor until thirty

days after the decision. CHRO-13; R-16. Although “[e]ach proceeding involving licensing is a contested case and [e]ach applicant must have an opportunity for a hearing”; R-18, page 2 of 13; the department did not provide Mr. Taylor with timely notification of date, time, and place when the board would hear his application nor did the board advise him that he had a right to attend. R-14.

Under the circumstances of the present case, however, the board’s flawed interpretation and procedure are not fatal. Mr. Taylor did not receive his license because he failed to take and pass the NCEES examinations. The board has not in at least the past twenty-eight years waived the NCEES examination requirement.

Mr. Taylor also did not submit an application in accordance with its instructions. He did not provide signatures of personal endorsers. His references did not include references from the requisite three licensed professional engineers. He did not provide a verification of education form that his college or university had sealed and sent directly to the department. He did not provide a verification of registration under seal. He did not provide an evaluation of his foreign educational courses and degrees by an approved evaluation service. Vol 1, 94-102, 120-121; Vol 2, 53-54; CHRO-4, CHRO-5, CHRO-6; R-9, R-13.

The board has never granted a license to an applicant who failed to supply a transcript or educational verification directly from the educational institution. Vol 2, 106. The board has also always required that the application include the signatures of the personal endorsers on the application. Vol 2, 107.

Mr. Taylor had not attended a four-year university or obtained a four-year education degree in engineering in either the United States or Britain. Vol 1, 100-101. While General Statutes § 20-302 (1) permits the board to waive the graduation requirement, the board has never granted a waiver. Vol 2, 88.

The NCEES examinations and the educational and experience are important because they establish a baseline by which all individuals are evaluated. They establish a standard for equivalency and consistency so that bordering states and other jurisdictions will accept a professional engineer holding a Connecticut license working in their states. Vol 2, 78, 115-116.

Mr. Taylor appears to have been caught in an unfortunate Catch-22. He did not qualify for a Class 4 application because he had not taken and passed the NCEES examinations and he could not apply for a Class 1 license to take the examinations because, in 2008, the examinations would not have been given in a correctional facility for a single individual. This situation, though, was not the result of discriminatory actions taken by the department or the board.

V

Conclusions of law

1. The commission and Mr. Taylor did not establish by a preponderance of credible evidence that either Mr. Taylor's national origin/citizenship or his criminal conviction was a cause for the department's denial of his application.
2. The department denied Mr. Taylor's application because he had failed to take and pass the NCEES examinations and because of the incompleteness of his application.

VI
Order

The revised complaint is dismissed.

/s/ Jon P. FitzGerald
Hon. Jon P. FitzGerald
Presiding Human Rights Referee