



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. Kimberly Hallas v. Bauhaus Innovations, Inc. CHRO No. 2020227.

**FINAL DECISION RE: HEARING DAMAGES**

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, complainant and respondent (certified mail).

Very Truly yours,

  
Kimberly D. Morris  
Secretary II

cc.

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

Commission on Human Rights and  
Opportunities ex rel. Kimberly Hallas  
v.

CHRO 2020227

Bauhaus Innovations, Inc.

April 13, 2023

OFFICE OF  
PUBLIC HEARINGS -CHRO  
DATE 7-13-23  
TIME 8:09AM  
RECEIVED BY LDM

Decision following hearing in damages

I  
Procedural history

Kimberly Hallas filed an affidavit of illegal discriminatory practice (complaint) with the commission on human rights and opportunities (commission) on November 6, 2019. She alleged that the respondent, Bauhaus Innovations, Inc. (Bauhaus), her former employer, violated General Statutes § 46a-60 (b) (1), (4), and (8). According to the complaint, between May 9, 2019 and July 4, 2019, Bauhaus discriminated against Ms. Hallas in the terms and conditions of her employment, harassed her, retaliated against her, and terminated her employment. Ms. Hallas alleged that her age, sex, and previous opposition to Bauhaus' discriminatory conduct were factors in Bauhaus' decisions. CHRO-1.

On or about December 30, 2019, Bauhaus filed its precertification answer with the commission. CHRO-2.

On or about August 12, 2021, the commission's investigator filed a request with the commission's executive director to enter a default against Bauhaus for its failure to attend a fact-finding conference without good cause. CHRO-6. On July 8, 2022, the

commission's investigator filed a second request with the executive director to enter a default against Bauhaus for its failure to appear at a fact-finding conference without good cause. CHRO-10. Neither request was received by Bauhaus. CHRO-8, CHRO-9, CHRO-12, CHRO-13.

The executive director defaulted Bauhaus on August 29, 2022 for its failure to file an answer under oath to the complaint. CHRO-14.

The hearing was held on January 12, 2023. Briefs were due on March 7, 2023, at which time the record closed.

While the purpose of a hearing in damages is to determine the relief necessary to eliminate the discriminatory practice and make the complainant whole, this complaint is dismissed for the following reasons.

II  
A

First, the commission has no verification of Bauhaus' receipt of the investigator's requests for the entry of a default. Section 46a-54-18a of the Regulations of Connecticut State Agencies provides that:

(a) Complaints, answers, subpoenas, interrogatories, drafts and findings, dismissals, notices of contested case hearings, decisions and orders and **other papers of the commission may be served:**

(1) **In person** by a commission employee who is not directly involved in the matter, state marshal or other proper officer, indifferent person or other person authorized to deliver legal documents;

(2) By first-class, registered or certified mail or **other mail service that confirms receipt;** or

(3) **In person** as allowed by law.

(b) Service may be made by leaving a copy in the principal place of business or abode of the person to be served.

(c) The state marshal's or other proper officer's return of service or the signed statement of an individual attesting to the date, place, manner of service and person served shall be proof of same, and the return post office receipt, when the service is by certified mail, or other mail service's **confirmation of receipt shall be proof of such service.**

(Emphasis added.)

The regulation clearly requires proof of receipt. In the present case, the commission's exhibits establish that Bauhaus did not receive the requests for default. Tr. 7; CHRO-8, CHRO-9, CHRO-12, CHRO-13.

The commission contends that "certified mail and email delivery are, combined, sufficient to show delivery and receipt." Tr. 7. They are certainly sufficient to show proof of mailing, but they are clearly insufficient to show proof of receipt when the documents are in fact returned to the commission by the post office as undeliverable and when the emails are not accompanied by email-generated statements verifying delivery.

## B

Second, the commission defaulted Bauhaus for failure to file an answer. CHRO-14. Bauhaus, however, had filed an answer. CHRO-2. The commission argued that Bauhaus had notice that investigator was seeking a default. Tr. 8. However, the evidence is that Bauhaus never received notice of the requests for default. CHRO-8, CHRO-9, CHRO-12, CHRO-13.

The commission further argued that the entry of a default for failing to file an answer rather than a default for failing to attend a fact-finding was just a scrivener's error. Tr. 5. Typing "January 5, 2022" for "January 5, 2023" is a scrivener's error. Defaulting a

party for not filing an answer when the party has, in fact, filed an answer is a substantive defect.

III  
A

The commission's compliance with its own regulations is not difficult and its refusal to do so is perplexing.<sup>1</sup> Service of the requests for defaults could have been in-person, abode service, any mail service confirming receipt (Federal Express or UPS), or even electronically (see page 16 of CHRO-5 which confirms Bauhaus's receipt of an email sent by the commission's investigator to Bauhaus).

B

The error in the entry of the default order could have been easily corrected at any time between August 22, 2022 when it was entered (CHRO-14) and January 12, 2023 when the hearing commenced. Section 46a-54-46a (f) of the Regulations of Connecticut State Agencies provides that: "Prior to the commencement of a hearing in damages, the executive director may, for good cause shown, vacate an order of default." In the present case, executive director could have vacated the default and issued a corrected one. The time and effort to make this correction is clearly de minimis and would have imposed no hardship on either the complainant or the commission.

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<sup>1</sup> *Commission on Human Rights and Opportunities v Allied Universal Security Services, LLC.*, Superior Court, judicial district of New Britain, Docket No. HHB-CV22-6072025-s (2022); *Commission on Human Rights and Opportunities v AV Janitorial Services, LLC.*, Superior Court, judicial district of New Britain, Docket No. HHB-CV22-6072024-s (2022); *Commission on Human Rights and Opportunities v HURP WL, LLC.*, Superior Court, judicial district of New Britain, Docket No. HHB-CV22-6072026-s (2022);

IV

As the default order was entered and the matter proceeded to a hearing in damages without the requisite service of notice on Bauhaus, and as Bauhaus was defaulted for not doing something (filing an answer) that it had actually done, all procedural notices and jurisdictional requirements have not been satisfied. Therefore, the matter was not properly before the undersigned to render a decision .

Accordingly, the complaint is dismissed.

*/s/ Jon P. FitzGerald*

Hon. Jon P. FitzGerald  
Presiding Human Rights Referee