

Commission on Human Rights and
Opportunities, *ex rel.*

John Cooper and

John C. Donahue,

Complainants

:

CHRO Nos. 9710685

:

9710637

v.

City of Hartford, Fire Department,

Respondent

:

September 7, 2000

RULING ON PETITION FOR RECONSIDERATION

1. At the end of the Public Hearing, on January 27, 2000, the undersigned ordered the parties to file proposed findings of fact and briefs, as well as reply briefs.
2. The Commission and the Respondent both filed their proposed findings of fact and legal briefs on April 28, 2000.
3. On March 30, 2000, the parties filed a Joint Motion For Extension Of Time To File Post Hearing Briefs which provided as follows: “the parties are presently engaged in settlement negotiations which, if fruitful, would obviate the need to file briefs. At this stage, their time would be better spent dedicated to resolving this matter rather than spending a considerable amount of time in the researching and writing necessary to complete their post hearing briefs. In the event that settlement negotiations fail, however, the parties expect to be able to complete their briefs if granted an additional two weeks.” I granted this motion on March 30, 2000.

4. Settlement efforts were apparently unsuccessful because both parties filed their reply briefs on June 5, 2000. Therefore, this is the date the record closed.
5. On August 2, 2000, Assistant Commission Counsel II, C. Joan Parker, called me directly and told to me that she had the consent of all the parties to communicate with me ex parte. I told her that I would get back to her.
6. I asked Ms. Ann Galer-Pasternak, Public Hearing Administrator, to contact Assistant Commission Counsel II, C. Joan Parker, to inform her to communicate with me in writing.
7. Also on August 2, 2000, I sent a written notice to all the parties which read as follows:

“... they should be advised that all communication with me relating to this case should be in writing if they expect any action to be taken.”
8. Because I never received any written communication from any of the parties pursuant to my August 2, 2000, notice, the Office of Public Hearings issued my decision on August 14, 2000 at 3:00 p.m. The Commission’s copy was hand delivered on the afternoon of August 14, 2000, and the copies of the other parties were sent by certified mail.
9. The Commission filed a Motion For Reconsideration dated August 21, 2000, stating that for “good cause” shown they wanted me to withdraw my Final Decision. The Commission cites as its “good cause” the existence of a “valid settlement agreement.” The Commission asks me to allow the parties to submit an Order of Dismissal Pursuant to Stipulated Agreement for my signature.
10. The City of Hartford filed an Objection to the Petition For Reconsideration, dated August 25, 2000, asking that the Commission’s Petition For Reconsideration be denied. The City of Hartford’s Objection notes that Commission’s allegations

establish only that the “terms of a proposed settlement” had been agreed upon by the Corporation Counsel for the City of Hartford prior to the release of my Final Decision on August 14, 2000, but there was no valid settlement agreement because the City Council had not acted prior to the issuance of the Final Decision.

For all of the foregoing reasons, including the Respondent’s assertion that no settlement agreement had been finalized, the Commission has failed to show as its “good cause” the existence of a valid settlement agreement binding upon the parties prior to the issuance of the Final Decision. Therefore, the Commission’s Petition For Reconsideration of August 21, 2000, is hereby DENIED.

Dated at Hartford, Connecticut, this 7th day of September 2000.

Hon. Leonard E. Trojanowski
Presiding Human Rights Referee

c: John Cooper
John C. Donahue
Patricia C. Washington, Director of Personnel, City of Hartford
Attorney Karen K. Buffkin
Attorney C. Joan Parker, Assistant Commission Counsel II
Attorney Robert Zamlowski, Assistant Commission Counsel II
Attorney Raymond Pech, Deputy Commission Counsel