

**STATE OF CONNECTICUT
OFFICE OF PUBLIC HEARINGS**

Leon Bowman, : OPH/WBR No. 2009-115
Complainant :

v.

Connecticut Container, D. Bailey and : December 23, 2009
B. Besen, :
Respondents :

**RULING ON RESPONDENT'S MOTION TO
DISMISS DATED NOVEMBER 13, 2009**

On or about November 3, 2009, respondent's counsel filed a Motion To Dismiss, alleging, *inter alia*, that respondent is not "a state agency, a quasi-public agency, or a large state contractor as defined and required under the statute [Conn. Gen. Statute §4-61dd]. Accompanying said Motion to Dismiss was a sworn affidavit of respondent's Senior Vice-President, Barry M. Biesen, averring the same allegations. To date, complainant has filed no response to said Motion to Dismiss although under the terms of § 4-61 dd-14 (b) of the Regulations of Connecticut State agencies, a response was due within 10 days and which date was November 13, 2009.

On or about December 4, 2009, I ordered that the complainant file a response to the Motion to Dismiss no later than December 11, 2009 and which response and accompanying materials, if any, shall establish, if proven, that respondent is a large state Contractor subject to the provisions of Conn. General Statute §4-61dd. On December 11, 2009, I extended the deadline for complainant's response to December 18, 2009. Complainant has failed to respond to respondent's motion to dismiss, has failed to comply with the prior rulings that it demonstrate that respondent is either "a

state agency, a quasi-public agency or a large state contractor” so as to confer jurisdiction upon this tribunal under the provisions of Connecticut General Statute §4-61dd.

Absent any objection to the motion to dismiss, as well as for each of the reasons set forth in the motion, I hereby grant the motion and dismiss this complaint. See ruling of Human Rights Referee David S. Knishkowy in *Kenneth C. Floyd*, : Complainant v.: State of Connecticut: *Department of Correction*, Respondent No. OPH/WBR-2008-085 October 29, 2008 quoting ruling. In *Espinosa v. Bethel Board of Education*, 2008 WL 4512122 (OPH/WBR-2008-084, September 23, 2008).

Dated this 23rd day of December, 2009 at Hartford, Connecticut.

It is so ordered .

Hon. Jerome D. Levine
Presiding Human Rights Referee

c:

Leon Bowman – via regular first class mail
Patricia Boyce Lassogna, Esq. – via fax only
Donna Maria Wilkerson Brilliant, Settlement HRR