

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

Julie M. Sowell	:	OPH/WBR NO. 2012-194
<i>Complainant</i>	:	
V.	:	
Southbury Middlebury Youth and Family Services, Inc. <i>et al</i>	:	
<i>Respondents</i>	:	JULY 2, 2012

DISMISSAL FOR LACK OF JURISDICTION

PRELIMINARY FINDING

This dismissal 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). None of the respondents is a state agency or a large state contractor as defined in General Statutes § 4-61dd et seq. Therefore, this tribunal lacks subject matter jurisdiction over this complaint. For that reason and others, which are more fully set forth herein, this complaint is **DISMISSED**.

PROCEEDURAL HISTORY AND FACTS

Complainant, Julie M. Sowell, filed a whistleblower retaliation complaint pursuant to General Statutes § 4-61dd on May 17, 2012. The complainant is currently a self-employed, licensed, marriage and family therapist officer. Prior to her self-employment, complainant was the Clinical Director of Southbury Middlebury and Family service and

was terminated on February 25, 2012. The respondents are Southbury Middlebury Youth and Family Services, Inc. (SMYFS), Region 15 School District, The Town of Southbury, the Town of Middlebury and Deirdre H. DiCarara executive director of SMYFS. The complainant alleged that she disclosed, "Insurance billing improprieties, refusal to audit billing, unethical practices, breaches of confidentiality and mismanagement," to a member of the Region's Board of Education and SMYFS's board of directors prior to her termination in December 2011.

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 in paragraph 6(1) and 6(3) that the respondents were state agencies and/or large state contractors. The first respondents are an independent, non-profit, serving the communities of Southbury and Middlebury, and an individual in her capacity as executive director of SMYFS. The remaining respondents are the Region 15 school district, the Town of Southbury and the Town of Middlebury. None of the respondents is a state agency or a large state contractor, which are the only

qualifying statuses that are alleged in the complaint that would bestow jurisdiction over this subject matter. Further, this tribunal has no jurisdiction over the subject complaint and, accordingly, it must be, and hereby is, **DISMISSED**.

It is so ordered this 2nd day of July 2012.

Michele C. Mount
Human Rights Referee