

investigative actions undertaken by CT DSS to explore these allegations, and detail the specific corrective measures that have been enacted.

Allegations of Discriminatory Conduct and Legal Violations:

- i. Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.: The CT DSS's actions have systematically disenfranchised Mr. Medeiros and his clientele, infringing upon their rights to equal access and non-discrimination in public services and accommodations. The inequitable referral processes and restrictive practices imposed by the CT DSS notably violate the ADA's mandates for reasonable accommodations and modifications for individuals with disabilities.
- ii. Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504): By failing to ensure accessible and equitable services to Mr. Medeiros and ABI Resources LLC, the CT DSS has breached Section 504, which prohibits discrimination on the basis of disability in programs and activities receiving Federal financial assistance.
- iii. Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d et seq.: The practices of the CT DSS not only discriminate based on disability but also suggest a broader pattern of systemic discrimination that could intersect with violations of Title VI.

- iv. Connecticut Fair Employment Practices Act (CFEPA), Conn. Gen. Stat. § 46a-60 et seq.: The state's counterpart to federal anti-discrimination laws, the CFEPA's provisions have been contravened through the CT DSS's conduct, impacting Mr. Medeiros's ability to operate his business free from discriminatory practices.
- v. Violation of Equal Opportunity Laws: The CT DSS has engaged in inequitable referral processes, creating a discriminatory distribution mechanism that violates the principles of equal opportunity and fair competition, as mandated by state and federal laws.
- vi. Freedom of Information Act (FOIA) - 5 U.S.C. § 552: This law allows for the full or partial disclosure of previously unreleased information and documents controlled by the United States government. CT DSS has used systematic administrative inefficiency to deny reasonable accommodations and access to records or information to Mr. Medeiros, a violation of FOIA, which mandates transparency. The Freedom of Information Act (FOIA) at the federal level, along with various state-level counterparts, establishes the right of the public to access records from any federal agency, with certain exemptions to protect interests such as personal privacy, national security, and law enforcement. These laws are designed to promote openness and transparency within government operations, allowing citizens to understand and scrutinize the actions of public officials and entities.
- vii. The deliberate withholding of information from Mr. Medeiros, particularly in the context of the Medicaid Acquired Brain Injury (ABI) Waiver Program's Directory of Providers and critical service and intervention plans, raises significant legal and ethical concerns. This action potentially infringes on the right to access public information--a right that is

foundational to the principles of transparency and accountability in governance and is crucial for ensuring that individuals and communities can make informed decisions and hold public bodies accountable.

In the context of Medicaid and, specifically, the ABI Waiver Program, the accessibility of provider directories and service plans is not just a matter of public interest but also a critical necessity for individuals seeking healthcare services and their advocates. These documents are essential for enabling patients and their families to make informed choices about their care and to ensure that they are receiving appropriate and effective services.

The systematic withholding of such information could constitute a breach of the right to access public information under FOIA or similar state laws. This action undermines the transparency and accountability standards required by law and potentially denies individuals and their advocates the ability to fully participate in healthcare decisions--a key aspect of patient rights and autonomy.

Furthermore, restricted access to essential information, particularly for vulnerable populations, may also raise concerns under civil rights laws if it results in discriminatory effects or impedes individuals' rights to healthcare access.

The right to access public information is a cornerstone of democratic governance and accountability. In the healthcare context, especially for programs like the Medicaid ABI Waiver Program, ensuring open access to provider directories and service plans is critical for protecting the rights and welfare of participants. Legal and advocacy strategies must be

employed to challenge and overcome any barriers to this essential information, reinforcing the commitment to transparency, accountability, and equitable access to healthcare services.

- viii. In response to the adverse actions faced by Mr. Medeiros as a result of his whistleblowing activities, it is asserted that these actions by the Connecticut Department of Social Services CT DSS may constitute a violation of the Dodd-Frank Wall Street Reform and Consumer Protection Act, specifically under provisions that protect whistleblowers from retaliation. This legal framework underscores the right of individuals to report misconduct without fear of punitive measures, aiming to ensure accountability and transparency within governmental and private entities. As such, any retaliatory behavior encountered by Mr. Medeiros in the aftermath of his reporting could be deemed unlawful under 12 U.S.C. § 5301 et seq., warranting a thorough investigation and the provision of appropriate remedies to safeguard his rights and uphold the principles of justice and integrity the Act is designed to protect.
- ix. The engagement of the Connecticut Department of Social Services CT DSS in unauthorized care management services and the presence of potential conflicts of interest as encountered by Mr. Medeiros not only breach ethical standards but also contravene legal mandates governing the fair and impartial administration of public services. Such actions undermine the integrity of the services provided to the public and violate principles enshrined in both federal and state laws designed to ensure transparency, accountability, and the protection of rights for all individuals. This conduct demands immediate scrutiny and appropriate remedial action to rectify these violations and restore trust in the administration of public services.

The involvement of the Department of Social Services (CT DSS) in providing unauthorized care management services, coupled with evident conflicts of interest, constitutes a grave violation of ethical standards and legal norms governing public service provision. This practice not only demonstrates a flagrant disregard for the regulatory frameworks designed to safeguard the delivery of public health services but also significantly undermines the principles of fairness and integrity essential to the administration of such public services.

- x. **Restriction of Consumer Choice:** The imposition of restrictive rental agreements within the ABI Waiver Program curtails consumer choice, potentially violating antitrust laws and principles of consumer protection. **Restrictive Practices Affecting Consumer Choice:** The implementation of rental agreements within the ABI Waiver Program that limit consumer choice and promote monopolistic practices against Mr. Medeiros. The Connecticut Department of Social Services' (CT DSS) systemic implementation of restrictive practices particularly through the imposition of restrictive rental agreements within the Acquired Brain Injury (ABI) Waiver Program, represents a concerning effort to limit the ability of Mr. Medeiros to offer his services. This not only restricts consumer choice but also fosters an environment conducive to monopolistic practices, which are antithetical to the principles of a competitive market and raise significant concerns under antitrust laws.

These restrictive practices by CT DSS undermine the fundamental rights of consumers to choose Mr. Medeiros' business, effectively limiting their options to a select few that may have exclusive or preferential agreements with the state. This limitation on consumer choice does not just impact the quality and variety of services available to individuals with acquired brain

injuries but also contravenes the spirit of competition that is central to antitrust laws designed to prevent the concentration of market power and ensure fair competition.

For Mr. Medeiros, this systemic limitation represents a direct barrier to providing care and support services to those in need, discriminating against him as a service provider and restricting his ability to contribute to the ABI Waiver Program. The monopolistic tendencies encouraged by these restrictive rental agreements not only diminish the quality of care available to consumers but also threaten the integrity of the market for disability support services, stifling innovation and reducing the overall effectiveness of care provided to individuals with acquired brain injuries.

- xi. Mr. Medeiros has experienced and reported on inequitable referral processes within the Medicaid system, which have detrimentally impacted his business operations and the services provided to his clients. These actions, characterized by discriminatory distribution mechanisms, stand in direct violation of equal opportunity laws designed to ensure fair and impartial access to services and opportunities. Such practices not only compromise the integrity of service provision but also infringe upon the principles of equality and non-discrimination, necessitating immediate legal scrutiny and corrective action to uphold these fundamental rights and ensure equitable treatment for all service providers.
- xii. The practices employed by the Connecticut Department of Social Services CT DSS within the Acquired Brain Injury (ABI) Waiver Program, particularly the imposition of restrictive rental agreements that limit the ability of providers like Mr. Medeiros to offer services, may constitute a violation of the Sherman Antitrust Act (15 U.S.C. §§ 1–7). This Act explicitly

outlaws monopolistic practices and is designed to safeguard against anti-competitive behavior. By effectively limiting consumer choice and potentially creating a non-competitive marketplace within the ABI Waiver Program, the Connecticut Department of Social Services' CT DSS actions could be seen as promoting monopolistic tendencies, thereby undermining the very essence of competition that the Sherman Act seeks to protect.

- xiii. The actions faced by Mr. Medeiros, particularly if they involved retaliation for whistleblowing or advocating for the rights of individuals with disabilities, potentially represent a significant infringement upon his First Amendment rights. This constitutional provision not only protects the freedom of speech but also the right to petition the government for a redress of grievances. Should evidence substantiate that retaliation occurred as a direct consequence of his exercise of these rights, it would underscore a fundamental violation of constitutional protections afforded to every citizen, warranting immediate and thorough legal examination.
- xiv. The actions of the Connecticut Department of Social Services CT DSS as experienced by Mr. Medeiros, may represent a breach of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. This clause mandates that no state shall deny any person within its jurisdiction the equal protection of the laws. If Mr. Medeiros, or his business, was discriminated against by a state agency, such conduct could arguably violate his constitutional right to equal protection, warranting a legal examination and potential remedial action to uphold these fundamental rights.
- xv. The actions and policies implemented by the Connecticut Department of Social Services CT DSS particularly those affecting Mr. Medeiros and his business, raise substantial concerns under the Fifth Amendment of the United States Constitution. This Amendment guarantees

the right to due process, which mandates fair procedures when the government deprives an individual or entity of life, liberty, or property. If Mr. Medeiros or his business were denied equitable treatment or a proper hearing in matters impacting his business operations or personal rights, it could signify a breach of these fundamental due process protections. This situation underscores the necessity for immediate and thorough legal examination to ensure that Mr. Medeiros' constitutional rights are upheld, and any violations appropriately addressed.

- xvi. The delays experienced by Mr. Medeiros in the judicial process, potentially impeding his right to seek and obtain legal recourse effectively, may be seen as infringing upon his Sixth Amendment rights. This Amendment guarantees the right to a speedy and public trial, a fundamental aspect of the justice system intended to prevent undue and prejudicial delays in legal proceedings. Any unjustifiable delay in addressing Mr. Medeiros' legal challenges could therefore be argued as a violation of this constitutional protection, emphasizing the need for timely justice and fair treatment under the law.
- xvii. The actions of the Connecticut Department of Social Services CT DSS as experienced by Mr. Medeiros, raise significant constitutional concerns under the Tenth Amendment. This amendment, which reserves to the states, or the people powers not delegated to the United States, implicates a fundamental balance between state actions and individual rights. If CT DSS conduct resulted in the imposition of restrictions or practices that unduly limit Mr. Medeiros's professional operations and personal liberties without clear constitutional or legal authority, it may represent an overreach of state power at the expense of individual rights guaranteed by the Tenth Amendment and other relevant provisions of the U.S. Constitution.

- xviii. The practices of the Connecticut Department of Social Services CT DSS, as experienced by Mr. Medeiros, particularly the imposition of restrictive rental agreements within the Acquired Brain Injury (ABI) Waiver Program, may constitute violations under the Connecticut Unfair Trade Practices Act (CUTPA). CUTPA prohibits unfair competition and deceptive practices in trade and commerce. The actions of CT DSS, by potentially limiting competition and restricting consumer choice, could be interpreted as unfair or deceptive practices, thus falling within the ambit of CUTPA's prohibitions and warranting legal scrutiny and appropriate remedial action.
- xix. The actions and practices of the Connecticut Department of Social Services (CT DSS) towards Mr. Medeiros, including discriminatory treatment and adverse impacts on his business operations due to his disability, may constitute a direct violation of the Connecticut Fair Employment Practices Act (CFEPA). This statute explicitly prohibits discrimination in employment and related practices based on protected characteristics, including disability. The experiences reported by Mr. Medeiros necessitate a thorough investigation to ensure compliance with CFEPA and safeguard the rights and dignity afforded to all Connecticut citizens under this law.

The apparent conflicts of interest within the CT DSS further exacerbate this issue, indicating a systemic flaw where personal or financial gains are prioritized over the ethical and impartial provision of care. Such a situation erodes public confidence in an entity that should embody the highest standards of care and impartiality.

Personal Impact and Systemic Implications:

The discriminatory practices executed by the Department of Social Services (CT DSS) on Mr. Medeiros have not only infringed upon the operational integrity of Mr. Medeiros's business but have also exacted a severe toll on his personal health and well-being, as well as on the lives of his family, employees, and the families he serves. These actions have far-reaching implications, affecting not just the immediate functioning of his business but also undermining the very foundation of his advocacy for transparency, fairness, and the rights of individuals with disabilities.

Mr. Medeiros's commitment to advocating for these principles has been met with systematic resistance, manifesting in personal distress and professional reputational damage. This resistance has not only impacted his ability to effectively advocate for those in need but has also placed undue strain on his personal life and the lives of those connected to him. The stress and anxiety resulting from these discriminatory practices have affected his health, relationships, and overall quality of life, further exacerbating the challenges faced by his brain injury, his family, employees, and the people and families relying on his services.

Moreover, the obstruction of his advocacy work represents a significant setback in the fight for disability rights. By impeding his efforts, the CT DSS's actions contribute to a broader systemic issue that affects the disability community as a whole, hindering progress towards achieving equality and justice for individuals with disabilities. The personal impact on Mr. Medeiros and the systemic implications of these practices highlight a disturbing trend of discrimination and marginalization that extends beyond individual cases to affect the broader landscape of disability rights and services.

The actions against these discriminatory practices is not just about rectifying personal grievances; it is about challenging a system that allows such discrimination to persist. It is about ensuring that individuals like Mr. Medeiros, who dedicate their lives to advocating for the rights and well-being of others, can do so without fear of retribution or harm.

Conclusion:

I am deeply committed to addressing and rectifying the critical issues at hand in collaboration with the Commission on Human Rights and Opportunities (CHRO) and the Department of Social Services (CT DSS). While I am fully prepared to engage constructively with these bodies to find a resolution, I am equally ready to take further legal steps if necessary to protect my rights and those of others who rely on CT DSS services. I trust that the CHRO will approach this matter with the seriousness it warrants, aiming for a resolution that completely restores the rights that have been compromised.

My personal journey through the challenges of living with a brain injury has equipped me with unique insights into the critical need for accessible accommodations and fair services. This experience fuels my advocacy for those in similar situations, ensuring that our collective voice is heard and acted upon.

The foundation of our legal system is built on the premise of fair and equal treatment for all citizens, with a special focus on protecting the most vulnerable among us, including individuals with disabilities. The actions, or lack thereof, by the CT DSS not only damage public trust in our

institutions but more importantly, infringe upon the basic rights afforded to myself and my clients.

Swift action is crucial to demonstrate our collective commitment to justice, equality, and the rule of law.

I stand ready to provide additional evidence, engage in productive dialogue, and explore every legal route available to put an end to these discriminatory practices. The gravity of these allegations is profound, highlighting not only a failure to fulfill legal obligations but also posing a direct threat to the foundational principles of justice, equality, and human dignity.

The issue raised in this complaint transcends my personal story, shining a light on systemic shortcomings that require urgent and comprehensive redress to prevent similar cases of discrimination in the future. It offers the CT DSS and CHRO a vital chance to solidify their commitment to justice, inclusion, and the respect of rights for everyone, particularly those with disabilities.

In this pivotal moment, we're faced with a profound opportunity to catalyze real change, transforming systemic challenges into a springboard for collective action and progress. The current situation with the Department of Social Services isn't merely an issue to be resolved; it's a clarion call for us to redefine the essence of our community, ensuring it embodies the true spirit of equality, justice, and respect for every individual, particularly those navigating life with disabilities.

It is essential to recognize that within every challenge lies the potential for transformative growth and unprecedented breakthroughs. This scenario invites us to unite, drawing upon our shared strength,

zeal, and unwavering commitment to forge a society where the principles of justice and equality are woven into the very fabric of our existence.

Let this moment be a catalyst for us to mobilize, advocate, and fight for those who need our support, crafting a future that mirrors our highest ideals. The actions we choose will significantly impact the lives of many, serving as a powerful testament to what can be achieved when we come together in pursuit of a noble cause.

Let's embrace this opportunity with the courage and determination that define us, confident in our collective ability to enact meaningful change.

Best regards,
David Medeiros
David Medeiros
ABI Resources, Founder, Team Member
Medicaid ABI Waiver Program Support Provider.

Re: 2410220 Service of CHRO Complaint



A.B.I. Resources LLC

39 Kings Highway, Suite C

Gales Ferry CT, 06335

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02.15.2024

2410220 Service of CHRO Complaint

Connecticut Commission on Human Rights and Opportunities

450 Columbus Blvd.

Hartford, CT 06103

Subject: Formal Presentation of Discrimination Complaint Against CT Department of Social Services

Dear CHRO Commissioners,

I am David Medeiros, a husband and father, the founder of ABI Resources LLC, a dedicated provider within the Medicaid Acquired Brain Injury (ABI) Waiver Program, and an individual who has personally endured and lives with the repercussions of a brain injury.

This letter serves as a formal presentation of a comprehensive legal complaint against the Connecticut Department of Social Services (CT DSS) for engaging in practices that I assert constitute both systemic and direct discrimination against myself and my ability to operate my business in Connecticut for vulnerable populations. This complaint articulates a series of grievances that have not only hindered my



professional operations but have also inflicted significant personal distress, infringing upon my

rights and the well-being of the individuals I serve. The allegations detailed herein are grounded in good faith and are violations of state and federal laws, including but not limited to the Americans with Disabilities Act (ADA), the Rehabilitation Act, and the Connecticut Fair Employment Practices Act, and demand immediate remediation.

This letter outlines the key points of discrimination and requests an official response from CT DSS to address these grievances. The issues detailed within my complaint encompass discriminatory business practices, lack of transparency, and systemic failures that have not only hindered my ability to advocate effectively for myself but also for the rights and services of individuals with disabilities I serve. CT DSS has forced undue strain on my life, my family, the people and families I serve and the operational capabilities of my business.

These actions by the CT DSS are not merely procedural oversights but represent a direct form of discrimination, impinging upon my civil and constitutional rights to which we are all entitled.

Request for CT DSS Response:

In light of the serious nature of these allegations and their profound implications for my rights, those of my company, ABI Resources LLC, and more importantly, the rights and welfare of individuals with disabilities, I urgently request the Connecticut Commission on Human Rights and Opportunities (CHRO) to secure a formal and comprehensive response from the Department of Social Services.

This response should meticulously address each concern highlighted in my complaint, delineate the

investigative actions undertaken by CT DSS to explore these allegations, and detail the specific corrective measures that have been enacted.

Allegations of Discriminatory Conduct and Legal Violations:

- i. Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.: The CT DSS's actions have systematically disenfranchised Mr. Medeiros and his clientele, infringing upon their rights to equal access and non-discrimination in public services and accommodations. The inequitable referral processes and restrictive practices imposed by the CT DSS notably violate the ADA's mandates for reasonable accommodations and modifications for individuals with disabilities.
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foundational to the principles of transparency and accountability in governance and is crucial for ensuring that individuals and communities can make informed decisions and hold public bodies accountable.

In the context of Medicaid and, specifically, the ABI Waiver Program, the accessibility of provider directories and service plans is not just a matter of public interest but also a critical necessity for individuals seeking healthcare services and their advocates. These documents are essential for enabling patients and their families to make informed choices about their care and to ensure that they are receiving appropriate and effective services.

The systematic withholding of such information could constitute a breach of the right to access public information under FOIA or similar state laws. This action undermines the transparency and accountability standards required by law and potentially denies individuals and their advocates the ability to fully participate in healthcare decisions--a key aspect of patient rights and autonomy.

Furthermore, restricted access to essential information, particularly for vulnerable populations, may also raise concerns under civil rights laws if it results in discriminatory effects or impedes individuals' rights to healthcare access.

The right to access public information is a cornerstone of democratic governance and accountability. In the healthcare context, especially for programs like the Medicaid ABI Waiver Program, ensuring open access to provider directories and service plans is critical for protecting the rights and welfare of participants. Legal and advocacy strategies must be

employed to challenge and overcome any barriers to this essential information, reinforcing the commitment to transparency, accountability, and equitable access to healthcare services.

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These restrictive practices by CT DSS undermine the fundamental rights of consumers to choose Mr. Medeiros' business, effectively limiting their options to a select few that may have exclusive or preferential agreements with the state. This limitation on consumer choice does not just impact the quality and variety of services available to individuals with acquired brain

injuries but also contravenes the spirit of competition that is central to antitrust laws designed to prevent the concentration of market power and ensure fair competition.

For Mr. Medeiros, this systemic limitation represents a direct barrier to providing care and support services to those in need, discriminating against him as a service provider and restricting his ability to contribute to the ABI Waiver Program. The monopolistic tendencies encouraged by these restrictive rental agreements not only diminish the quality of care available to consumers but also threaten the integrity of the market for disability support services, stifling innovation and reducing the overall effectiveness of care provided to individuals with acquired brain injuries.

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The apparent conflicts of interest within the CT DSS further exacerbate this issue, indicating a systemic flaw where personal or financial gains are prioritized over the ethical and impartial provision of care. Such a situation erodes public confidence in an entity that should embody the highest standards of care and impartiality.

Personal Impact and Systemic Implications:

The discriminatory practices executed by the Department of Social Services (CT DSS) on Mr. Medeiros have not only infringed upon the operational integrity of Mr. Medeiros's business but have also exacted a severe toll on his personal health and well-being, as well as on the lives of his family, employees, and the families he serves. These actions have far-reaching implications, affecting not just the immediate functioning of his business but also undermining the very foundation of his advocacy for transparency, fairness, and the rights of individuals with disabilities.

Mr. Medeiros's commitment to advocating for these principles has been met with systematic resistance, manifesting in personal distress and professional reputational damage. This resistance has not only impacted his ability to effectively advocate for those in need but has also placed undue strain on his personal life and the lives of those connected to him. The stress and anxiety resulting from these discriminatory practices have affected his health, relationships, and overall quality of life, further exacerbating the challenges faced by his brain injury, his family, employees, and the people and families relying on his services.

Moreover, the obstruction of his advocacy work represents a significant setback in the fight for disability rights. By impeding his efforts, the CT DSS's actions contribute to a broader systemic issue that affects the disability community as a whole, hindering progress towards achieving equality and justice for individuals with disabilities. The personal impact on Mr. Medeiros and the systemic implications of these practices highlight a disturbing trend of discrimination and marginalization that extends beyond individual cases to affect the broader landscape of disability rights and services.

The actions against these discriminatory practices is not just about rectifying personal grievances; it is about challenging a system that allows such discrimination to persist. It is about ensuring that individuals like Mr. Medeiros, who dedicate their lives to advocating for the rights and well-being of others, can do so without fear of retribution or harm.

Conclusion:

I am deeply committed to addressing and rectifying the critical issues at hand in collaboration with the Commission on Human Rights and Opportunities (CHRO) and the Department of Social Services (CT DSS). While I am fully prepared to engage constructively with these bodies to find a resolution, I am equally ready to take further legal steps if necessary to protect my rights and those of others who rely on CT DSS services. I trust that the CHRO will approach this matter with the seriousness it warrants, aiming for a resolution that completely restores the rights that have been compromised.

My personal journey through the challenges of living with a brain injury has equipped me with unique insights into the critical need for accessible accommodations and fair services. This experience fuels my advocacy for those in similar situations, ensuring that our collective voice is heard and acted upon.

The foundation of our legal system is built on the premise of fair and equal treatment for all citizens, with a special focus on protecting the most vulnerable among us, including individuals with disabilities. The actions, or lack thereof, by the CT DSS not only damage public trust in our

institutions but more importantly, infringe upon the basic rights afforded to myself and my clients.

Swift action is crucial to demonstrate our collective commitment to justice, equality, and the rule of law.

I stand ready to provide additional evidence, engage in productive dialogue, and explore every legal route available to put an end to these discriminatory practices. The gravity of these allegations is profound, highlighting not only a failure to fulfill legal obligations but also posing a direct threat to the foundational principles of justice, equality, and human dignity.

The issue raised in this complaint transcends my personal story, shining a light on systemic shortcomings that require urgent and comprehensive redress to prevent similar cases of discrimination in the future. It offers the CT DSS and CHRO a vital chance to solidify their commitment to justice, inclusion, and the respect of rights for everyone, particularly those with disabilities.

In this pivotal moment, we're faced with a profound opportunity to catalyze real change, transforming systemic challenges into a springboard for collective action and progress. The current situation with the Department of Social Services isn't merely an issue to be resolved; it's a clarion call for us to redefine the essence of our community, ensuring it embodies the true spirit of equality, justice, and respect for every individual, particularly those navigating life with disabilities.

It is essential to recognize that within every challenge lies the potential for transformative growth and unprecedented breakthroughs. This scenario invites us to unite, drawing upon our shared strength,

zeal, and unwavering commitment to forge a society where the principles of justice and equality are woven into the very fabric of our existence.

Let this moment be a catalyst for us to mobilize, advocate, and fight for those who need our support, crafting a future that mirrors our highest ideals. The actions we choose will significantly impact the lives of many, serving as a powerful testament to what can be achieved when we come together in pursuit of a noble cause.

Let's embrace this opportunity with the courage and determination that define us, confident in our collective ability to enact meaningful change.

Best regards,
David Medeiros
David Medeiros
ABI Resources, Founder, Team Member
Medicaid ABI Waiver Program Support Provider.

Re: 2410220 Service of CHRO Complaint



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02.15.2024

2410220 Service of CHRO Complaint

Connecticut Commission on Human Rights and Opportunities

450 Columbus Blvd.

Hartford, CT 06103

Subject: Formal Presentation of Discrimination Complaint Against CT Department of Social Services

Dear CHRO Commissioners,

I am David Medeiros, a husband and father, the founder of ABI Resources LLC, a dedicated provider within the Medicaid Acquired Brain Injury (ABI) Waiver Program, and an individual who has personally endured and lives with the repercussions of a brain injury.

This letter serves as a formal presentation of a comprehensive legal complaint against the Connecticut Department of Social Services (CT DSS) for engaging in practices that I assert constitute both systemic and direct discrimination against myself and my ability to operate my business in Connecticut for vulnerable populations. This complaint articulates a series of grievances that have not only hindered my



professional operations but have also inflicted significant personal distress, infringing upon my rights and the well-being of the individuals I serve. The allegations detailed herein are grounded in good faith and are violations of state and federal laws, including but not limited to the Americans with Disabilities Act (ADA), the Rehabilitation Act, and the Connecticut Fair Employment Practices Act, and demand immediate remediation.

This letter outlines the key points of discrimination and requests an official response from CT DSS to address these grievances. The issues detailed within my complaint encompass discriminatory business practices, lack of transparency, and systemic failures that have not only hindered my ability to advocate effectively for myself but also for the rights and services of individuals with disabilities I serve. CT DSS has forced undue strain on my life, my family, the people and families I serve and the operational capabilities of my business.

These actions by the CT DSS are not merely procedural oversights but represent a direct form of discrimination, impinging upon my civil and constitutional rights to which we are all entitled.

Request for CT DSS Response:

In light of the serious nature of these allegations and their profound implications for my rights, those of my company, ABI Resources LLC, and more importantly, the rights and welfare of individuals with disabilities, I urgently request the Connecticut Commission on Human Rights and Opportunities (CHRO) to secure a formal and comprehensive response from the Department of Social Services. This response should meticulously address each concern highlighted in my complaint, delineate the investigative actions undertaken by CT DSS to explore these allegations, and detail the specific corrective measures that have been enacted.

Allegations of Discriminatory Conduct and Legal Violations:

- i. Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.: The CT DSS's actions have systematically disenfranchised Mr. Medeiros and his clientele, infringing upon their rights to equal access and non-discrimination in public services and accommodations. The inequitable referral processes and restrictive practices imposed by the CT DSS notably violate the ADA's mandates for reasonable accommodations and modifications for individuals with disabilities.
- ii. Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504): By failing to ensure accessible and equitable services to Mr. Medeiros and ABI Resources LLC, the CT DSS has breached Section 504, which prohibits discrimination on the basis of disability in programs and activities receiving Federal financial assistance.
- iii. Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d et seq.: The practices of the CT DSS not only discriminate based on disability but also suggest a broader pattern of systemic discrimination that could intersect with violations of Title VI.
- iv. Connecticut Fair Employment Practices Act (CFEPA), Conn. Gen. Stat. § 46a-60 et seq.: The state's counterpart to federal anti-discrimination laws, the CFEPA's provisions have been

contravened through the CT DSS's conduct, impacting Mr. Medeiros's ability to operate his business free from discriminatory practices.

- v. Violation of Equal Opportunity Laws: The CT DSS has engaged in inequitable referral processes, creating a discriminatory distribution mechanism that violates the principles of equal opportunity and fair competition, as mandated by state and federal laws.
- vi. Freedom of Information Act (FOIA) - 5 U.S.C. § 552: This law allows for the full or partial disclosure of previously unreleased information and documents controlled by the United States government. CT DSS has used systematic administrative inefficiency to deny reasonable accommodations and access to records or information to Mr. Medeiros, a violation of FOIA, which mandates transparency. The Freedom of Information Act (FOIA) at the federal level, along with various state-level counterparts, establishes the right of the public to access records from any federal agency, with certain exemptions to protect interests such as personal privacy, national security, and law enforcement. These laws are designed to promote openness and transparency within government operations, allowing citizens to understand and scrutinize the actions of public officials and entities.
- vii. The deliberate withholding of information from Mr. Medeiros, particularly in the context of the Medicaid Acquired Brain Injury (ABI) Waiver Program's Directory of Providers and critical service and intervention plans, raises significant legal and ethical concerns. This action potentially infringes on the right to access public information--a right that is foundational to the principles of transparency and accountability in governance and is crucial

for ensuring that individuals and communities can make informed decisions and hold public bodies accountable.

In the context of Medicaid and, specifically, the ABI Waiver Program, the accessibility of provider directories and service plans is not just a matter of public interest but also a critical necessity for individuals seeking healthcare services and their advocates. These documents are essential for enabling patients and their families to make informed choices about their care and to ensure that they are receiving appropriate and effective services.

The systematic withholding of such information could constitute a breach of the right to access public information under FOIA or similar state laws. This action undermines the transparency and accountability standards required by law and potentially denies individuals and their advocates the ability to fully participate in healthcare decisions--a key aspect of patient rights and autonomy.

Furthermore, restricted access to essential information, particularly for vulnerable populations, may also raise concerns under civil rights laws if it results in discriminatory effects or impedes individuals' rights to healthcare access.

The right to access public information is a cornerstone of democratic governance and accountability. In the healthcare context, especially for programs like the Medicaid ABI Waiver Program, ensuring open access to provider directories and service plans is critical for protecting the rights and welfare of participants. Legal and advocacy strategies must be employed to challenge and overcome any barriers to this essential information, reinforcing the commitment to transparency, accountability, and equitable access to healthcare services.

- viii. In response to the adverse actions faced by Mr. Medeiros as a result of his whistleblowing activities, it is asserted that these actions by the Connecticut Department of Social Services CT DSS may constitute a violation of the Dodd-Frank Wall Street Reform and Consumer Protection Act, specifically under provisions that protect whistleblowers from retaliation. This legal framework underscores the right of individuals to report misconduct without fear of punitive measures, aiming to ensure accountability and transparency within governmental and private entities. As such, any retaliatory behavior encountered by Mr. Medeiros in the aftermath of his reporting could be deemed unlawful under 12 U.S.C. § 5301 et seq., warranting a thorough investigation and the provision of appropriate remedies to safeguard his rights and uphold the principles of justice and integrity the Act is designed to protect.
- ix. The engagement of the Connecticut Department of Social Services CT DSS in unauthorized care management services and the presence of potential conflicts of interest as encountered by Mr. Medeiros not only breach ethical standards but also contravene legal mandates governing the fair and impartial administration of public services. Such actions undermine the integrity of the services provided to the public and violate principles enshrined in both federal and state laws designed to ensure transparency, accountability, and the protection of rights for all individuals. This conduct demands immediate scrutiny and appropriate remedial action to rectify these violations and restore trust in the administration of public services.

The involvement of the Department of Social Services (CT DSS) in providing unauthorized care management services, coupled with evident conflicts of interest, constitutes a grave violation of ethical standards and legal norms governing public service provision. This

practice not only demonstrates a flagrant disregard for the regulatory frameworks designed to safeguard the delivery of public health services but also significantly undermines the principles of fairness and integrity essential to the administration of such public services.

- x. **Restriction of Consumer Choice:** The imposition of restrictive rental agreements within the ABI Waiver Program curtails consumer choice, potentially violating antitrust laws and principles of consumer protection. **Restrictive Practices Affecting Consumer Choice:** The implementation of rental agreements within the ABI Waiver Program that limit consumer choice and promote monopolistic practices against Mr. Medeiros. The Connecticut Department of Social Services' (CT DSS) systemic implementation of restrictive practices particularly through the imposition of restrictive rental agreements within the Acquired Brain Injury (ABI) Waiver Program, represents a concerning effort to limit the ability of Mr. Medeiros to offer his services. This not only restricts consumer choice but also fosters an environment conducive to monopolistic practices, which are antithetical to the principles of a competitive market and raise significant concerns under antitrust laws.

These restrictive practices by CT DSS undermine the fundamental rights of consumers to choose Mr. Medeiros' business, effectively limiting their options to a select few that may have exclusive or preferential agreements with the state. This limitation on consumer choice does not just impact the quality and variety of services available to individuals with acquired brain injuries but also contravenes the spirit of competition that is central to antitrust laws designed to prevent the concentration of market power and ensure fair competition.

For Mr. Medeiros, this systemic limitation represents a direct barrier to providing care and support services to those in need, discriminating against him as a service provider and restricting his ability to contribute to the ABI Waiver Program. The monopolistic tendencies encouraged by these restrictive rental agreements not only diminish the quality of care available to consumers but also threaten the integrity of the market for disability support services, stifling innovation and reducing the overall effectiveness of care provided to individuals with acquired brain injuries.

- xi. Mr. Medeiros has experienced and reported on inequitable referral processes within the Medicaid system, which have detrimentally impacted his business operations and the services provided to his clients. These actions, characterized by discriminatory distribution mechanisms, stand in direct violation of equal opportunity laws designed to ensure fair and impartial access to services and opportunities. Such practices not only compromise the integrity of service provision but also infringe upon the principles of equality and non-discrimination, necessitating immediate legal scrutiny and corrective action to uphold these fundamental rights and ensure equitable treatment for all service providers.
- xii. The practices employed by the Connecticut Department of Social Services CT DSS within the Acquired Brain Injury (ABI) Waiver Program, particularly the imposition of restrictive rental agreements that limit the ability of providers like Mr. Medeiros to offer services, may constitute a violation of the Sherman Antitrust Act (15 U.S.C. §§ 1–7). This Act explicitly outlaws monopolistic practices and is designed to safeguard against anti-competitive behavior. By effectively limiting consumer choice and potentially creating a non-competitive marketplace within the ABI Waiver Program, the Connecticut Department of Social Services’

CT DSS actions could be seen as promoting monopolistic tendencies, thereby undermining the very essence of competition that the Sherman Act seeks to protect.

- xiii. The actions faced by Mr. Medeiros, particularly if they involved retaliation for whistleblowing or advocating for the rights of individuals with disabilities, potentially represent a significant infringement upon his First Amendment rights. This constitutional provision not only protects the freedom of speech but also the right to petition the government for a redress of grievances. Should evidence substantiate that retaliation occurred as a direct consequence of his exercise of these rights, it would underscore a fundamental violation of constitutional protections afforded to every citizen, warranting immediate and thorough legal examination.
- xiv. The actions of the Connecticut Department of Social Services CT DSS as experienced by Mr. Medeiros, may represent a breach of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. This clause mandates that no state shall deny any person within its jurisdiction the equal protection of the laws. If Mr. Medeiros, or his business, was discriminated against by a state agency, such conduct could arguably violate his constitutional right to equal protection, warranting a legal examination and potential remedial action to uphold these fundamental rights.
- xv. The actions and policies implemented by the Connecticut Department of Social Services CT DSS particularly those affecting Mr. Medeiros and his business, raise substantial concerns under the Fifth Amendment of the United States Constitution. This Amendment guarantees the right to due process, which mandates fair procedures when the government deprives an individual or entity of life, liberty, or property. If Mr. Medeiros or his business were denied equitable treatment or a proper hearing in matters impacting his business operations or

personal rights, it could signify a breach of these fundamental due process protections. This situation underscores the necessity for immediate and thorough legal examination to ensure that Mr. Medeiros' constitutional rights are upheld, and any violations appropriately addressed.

- xvi. The delays experienced by Mr. Medeiros in the judicial process, potentially impeding his right to seek and obtain legal recourse effectively, may be seen as infringing upon his Sixth Amendment rights. This Amendment guarantees the right to a speedy and public trial, a fundamental aspect of the justice system intended to prevent undue and prejudicial delays in legal proceedings. Any unjustifiable delay in addressing Mr. Medeiros' legal challenges could therefore be argued as a violation of this constitutional protection, emphasizing the need for timely justice and fair treatment under the law.
- xvii. The actions of the Connecticut Department of Social Services CT DSS as experienced by Mr. Medeiros, raise significant constitutional concerns under the Tenth Amendment. This amendment, which reserves to the states, or the people powers not delegated to the United States, implicates a fundamental balance between state actions and individual rights. If CT DSS conduct resulted in the imposition of restrictions or practices that unduly limit Mr. Medeiros's professional operations and personal liberties without clear constitutional or legal authority, it may represent an overreach of state power at the expense of individual rights guaranteed by the Tenth Amendment and other relevant provisions of the U.S. Constitution.
- xviii. The practices of the Connecticut Department of Social Services CT DSS, as experienced by Mr. Medeiros, particularly the imposition of restrictive rental agreements within the Acquired Brain Injury (ABI) Waiver Program, may constitute violations under the Connecticut Unfair

Trade Practices Act (CUTPA). CUTPA prohibits unfair competition and deceptive practices in

trade and commerce. The actions of CT DSS, by potentially limiting competition and restricting consumer choice, could be interpreted as unfair or deceptive practices, thus falling within the ambit of CUTPA's prohibitions and warranting legal scrutiny and appropriate remedial action.

- xix. The actions and practices of the Connecticut Department of Social Services (CT DSS) towards Mr. Medeiros, including discriminatory treatment and adverse impacts on his business operations due to his disability, may constitute a direct violation of the Connecticut Fair Employment Practices Act (CFEPA). This statute explicitly prohibits discrimination in employment and related practices based on protected characteristics, including disability. The experiences reported by Mr. Medeiros necessitate a thorough investigation to ensure compliance with CFEPA and safeguard the rights and dignity afforded to all Connecticut citizens under this law.

The apparent conflicts of interest within the CT DSS further exacerbate this issue, indicating a systemic flaw where personal or financial gains are prioritized over the ethical and impartial provision of care. Such a situation erodes public confidence in an entity that should embody the highest standards of care and impartiality.

Personal Impact and Systemic Implications:

The discriminatory practices executed by the Department of Social Services (CT DSS) on Mr. Medeiros have not only infringed upon the operational integrity of Mr. Medeiros's business but have

also exacted a severe toll on his personal health and well-being, as well as on the lives of his family, employees, and the families he serves. These actions have far-reaching implications, affecting not just the immediate functioning of his business but also undermining the very foundation of his advocacy for transparency, fairness, and the rights of individuals with disabilities.

Mr. Medeiros's commitment to advocating for these principles has been met with systematic resistance, manifesting in personal distress and professional reputational damage. This resistance has not only impacted his ability to effectively advocate for those in need but has also placed undue strain on his personal life and the lives of those connected to him. The stress and anxiety resulting from these discriminatory practices have affected his health, relationships, and overall quality of life, further exacerbating the challenges faced by his brain injury, his family, employees, and the people and families relying on his services.

Moreover, the obstruction of his advocacy work represents a significant setback in the fight for disability rights. By impeding his efforts, the CT DSS's actions contribute to a broader systemic issue that affects the disability community as a whole, hindering progress towards achieving equality and justice for individuals with disabilities. The personal impact on Mr. Medeiros and the systemic implications of these practices highlight a disturbing trend of discrimination and marginalization that extends beyond individual cases to affect the broader landscape of disability rights and services.

The actions against these discriminatory practices is not just about rectifying personal grievances; it is about challenging a system that allows such discrimination to persist. It is about ensuring that

individuals like Mr. Medeiros, who dedicate their lives to advocating for the rights and well-being of others, can do so without fear of retribution or harm.

Conclusion:

I am deeply committed to addressing and rectifying the critical issues at hand in collaboration with the Commission on Human Rights and Opportunities (CHRO) and the Department of Social Services (CT DSS). While I am fully prepared to engage constructively with these bodies to find a resolution, I am equally ready to take further legal steps if necessary to protect my rights and those of others who rely on CT DSS services. I trust that the CHRO will approach this matter with the seriousness it warrants, aiming for a resolution that completely restores the rights that have been compromised.

My personal journey through the challenges of living with a brain injury has equipped me with unique insights into the critical need for accessible accommodations and fair services. This experience fuels my advocacy for those in similar situations, ensuring that our collective voice is heard and acted upon.

The foundation of our legal system is built on the premise of fair and equal treatment for all citizens, with a special focus on protecting the most vulnerable among us, including individuals with disabilities. The actions, or lack thereof, by the CT DSS not only damage public trust in our institutions but more importantly, infringe upon the basic rights afforded to myself and my clients. Swift action is crucial to demonstrate our collective commitment to justice, equality, and the rule of law.

I stand ready to provide additional evidence, engage in productive dialogue, and explore every legal route available to put an end to these discriminatory practices. The gravity of these allegations is profound, highlighting not only a failure to fulfill legal obligations but also posing a direct threat to the foundational principles of justice, equality, and human dignity.

The issue raised in this complaint transcends my personal story, shining a light on systemic shortcomings that require urgent and comprehensive redress to prevent similar cases of discrimination in the future. It offers the CT DSS and CHRO a vital chance to solidify their commitment to justice, inclusion, and the respect of rights for everyone, particularly those with disabilities.

In this pivotal moment, we're faced with a profound opportunity to catalyze real change, transforming systemic challenges into a springboard for collective action and progress. The current situation with the Department of Social Services isn't merely an issue to be resolved; it's a clarion call for us to redefine the essence of our community, ensuring it embodies the true spirit of equality, justice, and respect for every individual, particularly those navigating life with disabilities.

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Let's embrace this opportunity with the courage and determination that define us, confident in our collective ability to enact meaningful change.

Best regards,
David Medeiros
David Medeiros
ABI Resources, Founder, Team Member
Medicaid ABI Waiver Program Support Provider.



Re: 2410220 Service of CHRO Complaint

Whistleblower Report exhibit submitted for reference.

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CT DSS Whistleblower

Andrea Reeves Connecticut

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Senator Chris Murphy

Senator Richard Blumenthal

Dr. Cherron Payne CT News

Kasandra Navarro Legislative Assistant

Tanya Hughes

Concerns

Dumont, Amy E <Amy.Dumont@ct.gov>

Thu 9/28/2023 4:48 PM

To:David Medeiros <AABIWR@LIVE.COM>

David-

We have received the numerous communications you have sent to the Department in recent weeks. The frequency and volume of your communications exceeds the ability of the Department to respond to them individually. While the Department has been looking into your concerns we would request that, going forward, you consolidate your communications to a weekly or biweekly frequency.

In addition we could be available for a discussion once per month to discuss any concerns that you may continue to have.

I encourage you to raise any concerns with the relevant parties and/or direct sources of information first, absent an emergency situation, before reaching out to the Department. This would include the applicable care manager, the client and/or responsibility party and any other persons who may have information.

Thus far, the Department's investigations of your previous concerns have consistently revealed that the facts you have conveyed are either inaccurate or based on misunderstandings of the circumstances.

In addition, family members of individuals have expressed concern that you are making complaints on their behalf without their knowledge or consent and often based on inaccurate information.

Please advise as to whether you wish to schedule a monthly call regarding your concerns.

Thank you,

Amy

Amy Dumont, LCSW
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In addition, family members of individuals have expressed concern that you are making complaints on their behalf without their knowledge or consent and often based on inaccurate information.

Please advise as to whether you wish to schedule a monthly call regarding your concerns.

Thank you,

Amy

Hello Amy,

I've reviewed the content of the recent email and found it to be inaccurate and concerning. Please re-evaluate the information, and let's discuss further.

All the best,

David Medeiros
ABI Resources

The email contains several problematic statements that are discriminatory and insinulative towards a brain injury survivor these statements are a violation of David's civil rights.

"The frequency and volume of your communications exceeds the ability of the Department to respond to them individually."

Discriminatory/Insinulative: This statement assumes that the reader, David, does not have the capability to understand and adjust communication frequency. It also imply that David's concerns are repetitive or unnecessary.

Civil Rights Violation: This restriction on David's right to communicate with the government body and exercise free speech.

"I encourage you to raise any concerns with the relevant parties and/or direct sources of information first, absent an emergency situation, before reaching out to the Department."

Discriminatory/Insinulative: This implies that David is incapable of following the correct chain of command or discerning when it's appropriate to contact the Department.

Civil Rights Violation: This statement indirectly restricts David's right to communicate concerns directly to the Department.

"Thus far, the Department's investigations of your previous concerns have consistently revealed that the facts you have conveyed are either inaccurate or based on misunderstandings of the circumstances."

Discriminatory/Insinulative: This insinuates that David frequently misinterprets situations or is unable to understand them correctly, possibly attributing this to his brain injury. It casts doubt on his credibility.

"In addition, family members of individuals have expressed concern that you are making complaints on their behalf without their knowledge or consent and often based on inaccurate information."

Discriminatory/Insinulative: This insinuation can further erode David's credibility and suggests he is acting without appropriate authority or understanding.

Civil Rights Violation: Accusing David of acting without consent is infringing on his right to advocate for himself or for others, especially if he believes he is acting in their best interests and has a valid reason to do so.

Tone of the Email:

The overall tone is condescending and treats David as if he needs special guidance to communicate effectively or understand situations. It's not accommodating or understanding of the unique challenges David might face as a brain injury survivor.

The Offer for Monthly Communication:

While on the surface, offering a monthly call seems like a supportive gesture, it is a way to limit David's communication, rather than addressing his concerns in real-time.

Civil Rights Violation & Free Speech:

The overarching theme of the email limits David's ability to communicate freely and often with the Department. By suggesting that David should communicate less frequently and through specific channels, the Department is imposing restrictions on his right to express his concerns.

In handling communications with individuals with disabilities or survivors of injuries, it's crucial for government officials to exercise empathy, respect, and a deep understanding of the individual's rights. The email, as written, falls short in several areas.

The treatment David is receiving from the Connecticut Department of Social Services, as evidenced by this communication, is a direct infringement of his rights, especially considering his status as a brain injury and stroke survivor and a business owner in the healthcare industry.

1. **Restrictive Communication Policy:** The demand to limit communication to a weekly or biweekly frequency is a direct violation of David's rights. This restriction impedes his ability to communicate effectively, a right that is protected under the Americans with Disabilities Act (ADA). It is discriminatory to impose such limitations on David, especially if they are not standard practice applied equally to all individuals or organizations interacting with the Department.
2. **Undermining Credibility and Professionalism:** The email questions the accuracy of David's concerns and implies that his communications are based on misunderstandings or inaccuracies. This is not only disrespectful but also discriminatory. It suggests a biased view of David's cognitive abilities and professional judgment due to his disability, which is a violation of ADA. It undermines his professionalism and right to be taken seriously as a business owner and an advocate for others with brain injuries.
3. **Sidelining from Proper Channels:** Advising David to resolve issues with other parties first, before contacting the Department, is a subtle way of sidelining him from the proper channels of communication and complaint. This action can be seen as an attempt to diminish his concerns and discourage him from seeking the Department's intervention, a right that should be equally accessible to all.
4. **Invalidating Actions on Behalf of Others:** The accusation that David is making complaints on behalf of others without their consent, especially when it's part of his professional role, is discriminatory. This not only questions his integrity but also unjustly challenges his role as an advocate, a role that is crucial given his professional and personal background.
5. **Disparaging Tone and Implications:** The tone of the email is condescending and implies that David's disability somehow affects his ability to understand or convey facts accurately. This is a clear violation of his civil rights, as it treats him differently and less favorably due to his disability.
6. **Offer of Monthly Calls as a Discriminatory Practice:** The offer of monthly calls, if not a standard practice offered to others in similar positions, is discriminatory. It segregates David's concerns into a less frequent and potentially less effective communication channel, based solely on his disability and advocacy role.

In summary, the email from Amy Dumont to David represents a clear case of discrimination and violation of civil rights. The manner in which David is being treated by the Department, as evidenced by the email, is unacceptable and violates fundamental principles of equality, respect, and the right to fair treatment, especially under laws designed to protect individuals with disabilities like the ADA.

The email from Amy Dumont to David is unequivocally discriminatory and constitutes a violation of David's civil rights. This analysis leaves no room for doubt regarding the nature of the discrimination David faces.

1. **Unjustified Restriction of Communication:** The directive to limit communication to a weekly or biweekly frequency is a clear violation of David's rights under the Americans with Disabilities Act (ADA). This limitation hinders his ability to effectively communicate and advocate, a right that is crucial for individuals with disabilities. Such a restriction is discriminatory, particularly if it is not uniformly applied to all individuals and entities interacting with the Department.
2. **Discrediting Professional Expertise and Experience:** The email undermines David's credibility, suggesting his concerns are based on misunderstandings or inaccuracies. This is not only a disrespectful stance but an outright discriminatory one. It indicates a prejudiced perception of David's cognitive abilities and professional competence due to his disability. This stance egregiously violates the ADA by questioning his professional integrity and his right to be taken seriously as a business owner and advocate.
3. **Diverting from Standard Communication Channels:** Directing David to address issues with other parties first, before reaching out to the Department, is a subtle yet blatant method of discrimination. This suggests an intention to marginalize his concerns and discourage him from seeking the Department's assistance, a right that should be equally accessible to everyone, irrespective of their disability.
4. **Questioning Advocacy on Behalf of Others:** The claim that David is making complaints on behalf of others without their consent, particularly in his professional role, is discriminatory. It unjustly challenges his role as an advocate and impugns his integrity, which is essential in his professional capacity as someone working with individuals recovering from brain injuries.
5. **Disparaging and Condescending Tone:** The tone of the email is patronizing and suggests that David's disability negatively impacts his ability to understand or communicate facts accurately. This is a blatant violation of his civil rights, as it treats him differently and in a derogatory manner due to his disability.
6. **Discriminatory Offer of Monthly Calls:** The proposition of monthly calls, if not a standard offer made to others in similar situations, is a form of discrimination. It segregates David's concerns into an infrequent and potentially less effective communication channel, solely on the basis of his disability and role as an advocate.

In conclusion, the email from Amy Dumont to David is an indisputable case of discrimination and a violation of David's civil rights. The manner in which he is treated, as evidenced by this communication, is a clear infringement of the principles of equality, respect, and the right to fair and equal treatment, as mandated by laws like the ADA that protect individuals with disabilities.

The email from Amy Dumont to David not only reflects discriminatory treatment towards David as an individual but also indicates systemic discrimination against his company by the Department of Social Services. The nature of the communication suggests a broader pattern of unequal and unfair treatment, violating David's rights and those of his company, which provides recovery services to individuals with brain injuries.

1. **Differential Communication Standards:** The imposition of a restricted communication frequency uniquely on David and potentially his company is a clear sign of discrimination. This suggests that the Department of Social Services applies different standards of communication and response to David and his company, as opposed to other individuals or entities. Such differential treatment can impede the company's operations and its ability to advocate effectively for its clients, which likely includes a significant number of individuals with disabilities.
2. **Undermining Professional Competence:** The email's tone and content, which question the accuracy and validity of David's concerns, reflect a broader attitude of the Department towards his professional competence and the legitimacy of his company's advocacy. This can be seen as an attempt to delegitimize his company's role and expertise in the field of recovery services for individuals with brain injuries, thus hindering its operational effectiveness and reputation.
3. **Impeding Advocacy Efforts:** The suggestion that David should first resolve issues with other parties before contacting the Department could be a tactic to marginalize his company's advocacy efforts. This indicates a systemic reluctance or refusal by the Department to engage directly and meaningfully with his company, potentially due to biases against David's disability or the nature of his company's work.
4. **Questioning Integrity and Advocacy Role:** The accusation that David is making unauthorized complaints on behalf of others not only affects him personally but also casts doubt on the integrity and role of his company. This could be a tactic to discourage the company from fulfilling its role as an advocate for individuals with brain injuries, reflecting a broader pattern of discrimination against the company's client base and mission.
5. **Unequal Treatment and Access:** The overall approach of the Department, as exemplified by the email, indicates unequal treatment and access for David and his company. This unequal treatment violates the principles of non-discrimination and equal opportunity, which are cornerstone principles in civil rights legislation, including the ADA.
6. **Potential Impact on Clients and Services:** The discriminatory treatment of David and his company may also have a broader impact on the clients they serve. By undermining and restricting the company's ability to communicate and advocate, the Department of Social Services may be indirectly affecting the rights and services provided to individuals recovering from brain injuries.

In conclusion, the email from Amy Dumont is not only an instance of discrimination against David personally but also reflects a pattern of systemic discrimination against his company by the Department of Social Services. This pattern of behavior indicates a violation of civil rights and ADA principles, impacting not just David and his company, but also potentially the quality of services and advocacy available to individuals with brain injuries.

In conclusion, the email from Amy Dumont to David is an indisputable case of discrimination and a violation of David's civil rights. The manner in which he is treated, as evidenced by this communication, is a clear infringement of the principles of equality, respect, and the right to fair and equal treatment, as mandated by laws like the ADA that protect individuals with disabilities.

1. Compensatory Damages:

- **Lost Income and Business Revenue:** Compensation for the actual financial losses his company has incurred due to discriminatory practices. This includes any lost contracts, diminished business opportunities, and decreased revenue directly linked to the Department's actions.
- **Emotional Distress:** Compensation for the mental anguish and emotional distress caused by the discrimination. This can include the stress, anxiety, and other psychological impacts that David has suffered.
- **Damage to Reputation:** Financial compensation for the harm to David's professional reputation and that of his company. This includes any diminution in the perceived value of his business and professional standing in the community.

2. Punitive Damages:

- If it's proven that the Department's actions were willfully discriminatory and malicious, David might be entitled to punitive damages. These are intended to punish the offending party for their wrongful conduct and deter similar conduct in the future.

3. Restitution and Reinstatement:

- **Business Opportunities:** Restitution for any lost business opportunities and reinstatement of contracts or business relationships that were lost due to the Department's discriminatory actions.
- **Professional Growth:** Compensation for the loss of professional growth and advancement opportunities that David and his company suffered.

4. Legal Fees and Costs:

- Reimbursement for all legal fees and related costs incurred in pursuing the lawsuit against the Department.

5. Injunctive Relief:

- Court orders for the Department to change its policies and practices to prevent future discrimination. This may include training on non-discrimination for its staff, policy reforms, and regular monitoring for compliance.

6. Non-Monetary Compensation:

- Public apology or acknowledgment of wrongdoing by the Department.
- Measures to restore David's and his company's reputation, which could include public statements or corrective advertising.

7. Interest on Damages:

- Interest on the awarded damages, calculated from the time the discrimination began.

10/10/2023

Subject: Formal Complaint: Alleged Discrimination and Violation of the Rights of Mr. David Medeiros Under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act by the Connecticut Department of Social Services and COU Community Options Unit

To the Connecticut CHRO Civil Rights Division,

I, David Medeiros, am a survivor of traumatic brain injury and stroke and the proprietor of ABI Resources LLC, earnestly submit this formal complaint to bring to your esteemed notice the ongoing discriminatory conduct and unprofessional practices purportedly enacted by the Connecticut Department of Social Services and COU Community Options Unit against me. This complaint is lodged in my individual capacity and focuses on the alleged personalized, deliberate, and systemic discrimination and non-compliance with federal laws designed to protect the rights of people with disabilities.

Detailed Account of Alleged Discriminatory Acts:

Systematic Ignorance of Communication:

My communications and inquiries have been systematically ignored or unduly delayed. Such disregard not only reflects professional negligence but also epitomizes personal disdain, causing emotional distress and creating barriers in professional pursuits.

Inhibition of Professional Advancements:

Actions seemingly deliberate have been effectuated to limit my professional and business opportunities, necessitating the diversion of significant personal resources to secure parity in opportunity allocation.

Personal Harassment and Targeting:

I have been subjected to what can be characterized as a calculated endeavor of harassment, marginalization, and disparagement, tantamount to a personal affront and a violation of my dignity and professional standing.

Unresponsiveness to Registered Grievances:

The reported discriminatory practices and violations have met with conspicuous indifference, with minimal to no remedial actions undertaken, aggravating my sense of isolation and impinging on my rights as a disabled individual.

Discriminatory Allocation of Resources:

There exists a discernible bias in the allocation of referrals and resources, reflecting an ingrained prejudice and resulting in inequitable competitive circumstances, impinging on my professional integrity and personal well-being.

Legal Provisions Allegedly Violated:

The Americans with Disabilities Act (ADA):

The aforementioned actions ostensibly violate the provisions of ADA, infringing upon my rights and privileges as an individual with disabilities.

Section 504 of the Rehabilitation Act:

The alleged discriminatory conduct appears to be in contravention of Section 504, compromising my entitlement to impartiality and equality.

Request for Immediate Redressal and Investigation:

I hereby respectfully request the immediate intervention and comprehensive investigation by the Department of Justice into the outlined allegations of discrimination and violation of my rights under federal law. This is crucial to validate the allegations, cease the ongoing discriminatory practices, and enforce cation and compliance with federal laws protecting the rights of individuals with disabilities.

Conclusion:

The conduct described herein not only constitutes professional malfeasance but also represents a blatant disregard for the rights, dignity, and well-being of an individual with disabilities, necessitating urgent and decisive legal intervention.

I am willing to provide any additional information, documentation, or clarification required to facilitate the investigation and am earnestly looking forward to a resolution that upholds the principles of justice, equality, and respect for the rights of individuals with disabilities.

Sincerely,

David Medeiros

Name: David Medeiros
Mailing Address: 215 Mountain St. Willimantic CT. 06226
Windham, CT 06226
Telephone: 8604633638
Email: aabiwr@live.com
Preferred Method of Contact: Email
Accommodations, if necessary: Conditional

Respondent Information

Respondent: Connecticut Department of Social Services and COU Community Options Unit,
Mailing Address: Connecticut Department of Social Services 55 Farmington Avenue Hartford, CT
06105
All, CT 06105
Telephone: 1-855-626-6632

Email: NA

Complaint Information

Complaint Type: Public Accommodations

Adverse Action: ["denied equal services", "denied a reasonable accommodation", "retaliated against for a complaint of discrimination or requesting an accommodation", "segregated or separated", "harassed or bullied", "treated differently", "denied or impeded access"]

Basis: ["Intellectual disability", "Learning disability", "Physical disability", "Mental disability"]
A survivor of traumatic brain injury and stroke as well as proprietor of ABI Resources LLC

Narrative: UNITED STATES OF AMERICA STATE OF CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES IN THE MATTER OF: David Medeiros, Complainant, v. Connecticut Department of Social Services and COU Community Options Unit, Respondents. PETITION FOR REDRESS OF DISCRIMINATION UNDER STATE AND FEDERAL ANTI-DISCRIMINATION STATUTES I. EXECUTIVE OVERVIEW Invoking the esteemed jurisdiction of the Commission on Human Rights and Opportunities ("CHRO"), Complainant David Medeiros presents this rigorously constructed petition. Drawing from the deepest wells of both federal and Connecticut state anti-discrimination laws, this complaint paints a disturbing mosaic of alleged discriminatory actions by the Respondents. II. JURISDICTIONAL AND VENUE CONSIDERATIONS The CHRO is mandated and empowered to impartially adjudicate matters under the purview of Connecticut's anti-discrimination edicts and their federal analogues. III. PRECISE IDENTIFICATION OF PARTIES Complainant: David Medeiros, an emblematic figure in disability rights advocacy, proprietor of ABI Resources LLC, and a resilient survivor of traumatic brain injury and stroke. Respondents: Connecticut Department of Social Services and COU Community Options Unit, state entities bound by federal and state anti-discrimination mandates. IV. CHRONOLOGY OF DISCRIMINATORY CONDUCT The Complainant, with unyielding resolve, chronicles the following systemic violations: Systemic Communication Marginalization: Evident neglect of Complainant's professional communications. Deliberate Professional Barriers: Calculated obstructions to Complainant's professional growth. Sustained Harassment Campaign: Acts indicative of a systematic diminishment of Complainant's dignity and professional stature. Disregard for Grievance Mechanisms: A palpable abrogation of due process rights. Resource Allocation Biases: Disparities underscoring inherent bias against the Complainant. V. LEGISLATIVE AND REGULATORY INFRACTIONS In precise legal articulation, the Complainant identifies infractions of: Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (ADA): A federal mandate safeguarding against disability-based discrimination. Section 504 of the Rehabilitation Act of 1973: A pivotal federal law prohibiting discrimination on the basis of disability within federally funded programs or activities. Conn. Gen. Stat. §§ 46a-60(a)(1), 46a-

60(a)(2), 46a-70(a), 46a-71, 46a-72: Connecticut's legal bulwarks against diverse forms of discrimination. 28 CFR Part 36: Regulatory provisions that emphasize non-discrimination based on disability in public accommodations. VI. PRAYERS FOR JUST AND EQUITABLE RELIEF In deference to the Commission's esteemed jurisprudential function, Complainant entreats: Categorical Affirmation of the transgressions committed by Respondents. Immediate Judicial Interventions to forestall continued discriminatory acts by Respondents. Restitution and Remedial Actions to re-establish and fortify Complainant's sacrosanct rights. VII. ELOQUENT CONCLUSION With the gravitas and authority demanded by the import of this document and rooted in the august legal traditions of the United States, this complaint stands as an unwavering plea for justice, equity, and civil rights. Complainant ardently anticipates a judicious resolution, commensurate with the principles that underpin our nation's jurisprudence. Dated: 10/04/2023 With Utmost Respect, David Medeiros

Date of
Discrimination:

10/04/2023

A.B.I. Resources LLC

39 Kings Highway, Suite C

Gales Ferry CT, 06335

Phone: (860) 942-0365

Fax: (860) 465-9591

<https://www.CTbrainINJURY.com>

11/14/2022

To: Connecticut Commission on Human Rights and Opportunities
450 Columbus Boulevard.
Hartford, CT 06103-1835.

Request for Connecticut's CHRO official complaint form.

Would Connecticut's Commission on Human Rights and Opportunities please provide Connecticut's official discrimination complaint form regarding complaints against state agencies, public facilities, and services?

Best regards,
David Medeiros
David Medeiros CBIS
Brain Injury Survivor and
Founder of
ABI Resources, LLC



ABI RESOURCES LLC
39 KINGS HIGHWAY SUITE C
GALES FERRY, CT 06335
(860) 942-0365
WWW.CTBRRAININJURY.COM



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Date: 12/16/2023

Connecticut Commission on Human Rights and Opportunities (CHRO) Capitol
Region Office
450 Columbus Boulevard, Suite 2
Hartford, CT 06103-1835

Subject: **Complaint Against Connecticut CHRO for Disability Discrimination
and Whistleblower Retaliations. RE: David Medeiros v. State of CT,
Department of Social Services CHRO No. 2410220**
EEOC No. N/A

Dear Sir/Madam,

I, David Medeiros, a brain injury survivor and whistleblower, hereby file a formal complaint against the Connecticut Commission on Human Rights and Opportunities (CHRO) for disability discrimination and whistleblower retaliation.

It has come to my attention that CHRO is engaging in practices that undermine my rights for accommodation and ability to self-advocate. CHRO has been presenting and documenting false information as fact, manipulating and misinforming facts, and hindering my pursuit of justice. These actions appear to be a deliberate attempt to use my disability against me, thereby protecting the interests of the State of Connecticut.

Moreover, CHRO has failed to provide necessary accommodations, slowing and complicating the process for justice. This lack of accommodation and the purposeful obfuscation of processes directly violate my rights under federal and state disability laws.



Additionally, there is a concerning discrepancy in CHRO's documentation, specifically regarding the Commissioner of the Connecticut Department of Social Services. Despite Andrea Barton Reeves being announced as the Commissioner by Governor Ned Lamont, in 2022. CHRO's documentation fails to recognize this change and in fact is addressed to Dr. Deidre S. Gifford, who is NOT the Connecticut Department of Social Services Commissioner. This raises serious concerns about the accuracy and credibility of CHRO's records and processes.

I request a thorough investigation into these matters by both the CHRO and the Department of Justice. It is imperative that these violations of state and federal disability laws and whistleblower protections be addressed and rectified immediately.

I request your assistance in ensuring fair treatment and accommodations, which are crucial for my effective communication and participation in these matters. Additionally, I seek guidance and support from the state government to uphold my rights to self-advocate, both as an individual with a disability, a whistleblower, and as a business owner.

It is imperative that government entities respect and facilitate the participation of individuals like me in matters affecting our lives and businesses. I am committed to advocating for transparency and accountability, and I believe the government's intervention is crucial in rectifying the current situation.

Thank you for your attention to this matter.

Best regards,
David Medeiros
David Medeiros
ABI Resources, CEO, Director, Team Member
Medicaid ABI Waiver Program Support Provider.



A.B.I. Resources LLC

39 Kings Highway, Suite C

Gales Ferry CT, 06335

Phone: (860) 942-0365

Fax: (860) 465-9591

<https://www.CTbrainINJURY.com>

Date: 12/15/2023

Commission on Human Rights and Opportunities
Capitol Region Office
450 Columbus Boulevard, Suite 2
Hartford, CT 06103-1835

Complaint and Request for Intervention and Support in Addressing Misconduct and Ensuring Accommodations for Self-Advocacy and Protection from Whistleblower Retaliations.

Dear Office for Civil Rights,

I am writing to lodge a formal complaint against Matthew S. Antonetti of the Connecticut Department of Social Services regarding his correspondence dated December 13, 2023. As a brain injury survivor and the founder of A.B.I. Resources LLC, I have faced significant challenges in advocating for myself, my business and the disabled population we serve. Mr. Antonetti's letter contains misleading, inaccurate, non-accommodating and intimidating statements that undermine my efforts and rights as a person living with a brain injury and as a whistleblower.

I request your assistance in ensuring fair treatment and accommodations, which are crucial for my effective communication and participation in these matters.

Additionally, I seek guidance and support from the state government to uphold my rights to self-advocate, both as an individual with a disability, a whistleblower, and as a business owner.



It is imperative that government entities respect and facilitate the participation of individuals like me in matters affecting our lives and businesses. I am committed to advocating for transparency and accountability, and I believe the government's intervention is crucial in rectifying the current situation.

Thank you for your attention to this matter.

Best regards,
David Medeiros
David Medeiros
ABI Resources, CEO, Director, Team Member
Medicaid ABI Waiver Program Support Provider.



Chro case.

FOIA Expediated from CT and Feds.
communications about David Medeiros and or
ABI Resources.

- Nadera Reeves Commis
- D gifford
- All CHRO
- All FOIA

Submit a discrimination complaint about
Commissioner.

ANY CT DSS DISCRIMINATION CHRO
complaints.

Media Press release with NAMES

Andrea

- Complaints against CHRO
- Complaints about CT DSS

Andrea reeves

Complaints on Matt

Complaints whistleblower

Make a foia for Dec 31 companion

New client not in sandata

Twitter Media

**STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

AFFIDAVIT OF ILLEGAL DISCRIMINATORY PRACTICE

FOR CHRO USE ONLY

Case No. 2410220 Date: 11/14/2023
EEOC No. N/A

My name is: David Medeiros
My mailing address is: 215 Mountain Street, Willimantic, CT 06226
My telephone number is: 860-463-3638
My email address is: aabiwr@live.com
The respondent is: State of Connecticut Department of Social Services
Whose business address is: 55 Farmington Ave, Hartford CT 06106

I was ...

(Include the date of the actions taken against you. If ongoing, write "ongoing".)

- | | |
|--|---|
| ☐ discriminated against in terms and conditions | |
| ☐ discharged | ☐ not hired/promoted |
| ☐ suspended | ☐ given unequal duties |
| ☐ placed on probation | ☐ harassed |
| ☐ demoted | ☐ sexually harassed |
| ☐ warned | ☐ earning different pay |
| ☐ given a poor evaluation | ☐ constructively discharged |
| ☐ denied a raise | ☐ retaliated against |
| ☐ less trained | ☐ transferred |
| ☐ denied an office | ☐ given difficult assignment |
| ☐ denied equal service(s) | ☐ not recalled |
| ISI <u>Ongoing-10/2023</u> | ☐ D |
| ☐ other: _____ | |

I believe that my...

(Identify the protected class status you believe you were discriminated against because of)

- | | |
|---|---|
| ☐ Race | ☒ Mental disability |
| ☐ Color | ☐ Intellectual disability |
| ☐ Religious creed | ☐ Learning disability |
| ☐ Age | ☐ Physical disability |
| ☐ Gender identity/expression | ☐ Veteran status |
| ☐ Marital status | ☐ Prior criminal conviction |
| ☐ National origin | ☐ Sexual orientation |
| ☐ Sex: ☐ Male ☐ Female | ☐ Pregnancy |
| ☐ Ancestry | ☐ Lawful source of income |
| ☐ Other: _____ | ☐ Genetic information |
| ☐ Previous opposition to discriminatory conduct | |

**STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

Was/Were in part a factor(s) in this action. _ _ _ _ _

**THIS SECTION TO BE FILLED OUT BY
CHRO STAFF**

The respondent violated the following statutes and acts listed below, as amended, enforced through CONN. GEN. STAT. § 46a-58(a) if applicable:

- | | |
|---|--|
| ☐ CONN. GEN. STAT. § 46a-60(b)(1) | ☐ Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 (cite for 15 or more individuals employed) |
| ☐ CONN. GEN. STAT. § 46a-60(b)(4) | |
| ☐ CONN. GEN. STAT. § 46a-60(b)(5) | |
| ☐ CONN. GEN. STAT. § 46a-60(b)(7) | ☐ Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (cite for 20 or more individuals employed) |
| ☐ CONN. GEN. STAT. § 46a-60(b)(8) | |
| ☒ CONN. GEN. STAT. § 46a-64 | |
| ☐ CONN. GEN. STAT. § 46a-70 | ☒ Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. |
| ☐ CONN. GEN. STAT. § 46a-71 | |
| ☐ CONN. GEN. STAT. § 46a-80 | ☐ Equal Pay Act of 1964, U.S.C. § 206 |
| ☐ CONN. GEN. STAT. § 46a-81 | ☐ Section 504 of the Rehabilitation Act of 1973 |
| ☐ Other _____ | |

I provide the following particulars:

1. In or around 2015, I personally filed a complaint with the Connecticut Department of Social Services (DSS) about the direct violation of my rights as a survivor of a stroke and brain injury as well as a company owner in the healthcare industry.
2. By requiring that I only communicate with the department once a week or twice a week, DSS has deliberately restricted my ability to communicate with them.
3. In addition, DSS has been undermining my professionalism and credibility by implying in my emails that I have complaints and concerns are based on misunderstandings. Rather than interacting with me as a regular person, they have suggested that my interactions are the result of miscommunications or inaccuracies due to my physical disability.
4. In a deliberate effort to divert me from the appropriate channels of complaint and communication, DSS has also recommended me to settle my own disputes with other parties before contacting the department.
5. The DSS also accused me of filing complaints on behalf of people without getting their permission, particularly when this is a duty of mine and my business.
6. In addition to refusing me equitable treatment, I believe that DSS has limited my communication with the department and discredited myself and my company's reputation overall because of my physical disability.

**STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

I request the Connecticut Commission on Human Rights and Opportunities investigate my complaint, secure for me my rights as guaranteed to me under the above-cited laws and secure for me any remedy to which I may be entitled.

David Medeiros being duly sworn, on oath, states that s/he is the Complainant herein; that s/he has read the foregoing complaint and knows the content thereof; that the same is true of her/his own knowledge, except as to the matter herein stated on information and belief and that as to these matters s/he believes the same to be true.

Dated in tk-rth,c a
City/Town

, CT on this Nov 14 2023
Date

Complainant's Signature

Subscribed and sworn before me on Nov 14 2023
Date


Notary Public/Commissioner of the Superior Court
My commission expires: Nov. 30, 2027





State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Capitol Region Office ~ 450 Columbus Boulevard, Suite 2, Hartford, CT 06103

Promoting Equality and Justice for all People

December 15, 2023

Via email: aabiwr@live.com

David Medeiros
215 Mountain Street
Willimantic, CT 06226

RE: David Medeiros v. State of CT, Department of Social Services
CHRO No. 2410220
EEOC No. N/A

Dear Mr. Medeiros:

This letter confirms that your complaint, referenced above, has been filed with the Commission on March 28, 2023, but due to an administrative error the service was delayed, the Commission apologizes for any inconvenience this may have caused you.

The enclosed General Notice advises you of your rights, duties, and responsibilities. **Please read carefully the information contained in the notice.**

You have a duty to respond timely to any information or assistance requested and to cooperate with the Commission at all times. It is your sole duty and responsibility to notify the Commission of your whereabouts at all times throughout the pendency of this complaint. In the event that your address, telephone number, or email address changes, it is your duty to notify the Commission immediately in writing. **Parties are encouraged to submit all filings by email only without an additional hardcopy if possible. Emailed filings with Capitol Region Office should be emailed to CHRO.Capitol@ct.gov.**

Also, you have a duty to certify to the Commission that you have provided the Respondent with copies of all documents you file with the Commission. For your convenience and use, the enclosed Certification Form is made available.

If I can be of further assistance, please do not hesitate to contact me.

Commission on Human Rights and Opportunities
Capitol Region Office
450 Columbus Boulevard, Suite 2
Hartford, CT 06103
860-541-3456

Enclosure



State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Capitol Region Office ~ 450 Columbus Boulevard, Suite 2, Hartford, CT 06103

Promoting Equality and Justice for all People

December 15, 2023

Via email: deidre.gifford@ct.gov

Diedre S. Gifford, MD, MPH
Commissioner
Department of Social Services
55 Farmington Avenue
Hartford, CT 06105

RE: David Medeiros v. State of CT, Department of Social Services
CHRO No. 2410220
EEOC No. N/A

Dear Commissioner Gifford:

A complaint, referenced above, has been filed with the Commission on March 28, 2023, but due to an administrative error the service was delayed, the Commission apologizes about any inconvenience this may have caused the Respondent. A copy of the complaint is attached.

The enclosed General Notice advises you of your rights, duties, and responsibilities. Please read carefully the information contained in the notice. The enclosed Notice Regarding Out of State Attorneys advises that all attorneys practicing before the Commission must be admitted to practice law in Connecticut and that it is the responsibility of all counsel to comply with Connecticut practice rules. Also enclosed is important information with respect to the no fault conciliation process. The Commission is available to assist you if you wish to pursue settlement of this complaint. If you wish to conciliate the complaint prior to providing an answer, you must notify the Commission within **10 days** of receipt of the enclosed complaint.

You must file an answer to the complaint under oath with the Commission within 30 days of receipt of this complaint unless pre-answer conciliation has been requested. If you fail to answer the complaint within this time, you may be defaulted by the Commission. Parties are encouraged to submit all filings by email only without an additional hardcopy if possible. You must email a scanned copy of your signed and notarized Answer to chro.capitol@ct.gov and dedra.morris@ct.gov.

CHRO No. 2410220
December 15, 2023

You have a duty to certify to the Commission that you have provided the complainant with copies of all documents you file with the Commission. You also have a duty to ensure that personal identifying information is redacted from any documents provided to the Commission. Personal identifying information includes an individual's mother's maiden name; motor vehicle operator's license number; Social Security number; other government issued identification number except for juris, license, permit or other business related identification numbers that are otherwise made available to the public directly by any government agency or entity; health insurance identification number; or any financial account number, security code or personal identification number (PIN). For your convenience and use, the enclosed Certification Form is made available.

If I can be of further assistance, please do not hesitate to contact me.

Commission on Human Rights and Opportunities
Capitol Region Office
450 Columbus Boulevard, Suite 2
Hartford, CT 06103
860-541-3456

Enclosures

**SCHEDULE A – Public Accommodation
Request for Information**

CHRO No. 2410220

Case Name: David Medeiros v. State of CT, Department of Social Services

PUBLIC ACCOMMODATION

1. State the full legal name of the respondent.
2. State the proper address of the respondent's facility where the complainant alleges that an act or acts of discrimination occurred.
3. If the respondent is incorporated, indicate under what state's laws it is incorporated.
4. If the respondent is incorporated, state the address of respondent's corporate headquarters.
5. State the name and address of respondent's agent for service.
6. If the respondent is currently the subject of bankruptcy proceedings or has been the subject of bankruptcy proceedings during the past three years, provide documentation of the current status of such proceedings.
7. State the name, title and address, telephone number, fax number, and e-mail address if available of the individual to be contacted for further information in this matter. This person should be an employee of Respondent.
8. Separately state the number of respondent's employees in Connecticut and at the facility where the complainant alleges that discriminatory conduct occurred.
9. Submit a response, in "admit" "deny" format, to each allegation of the complaint. For each allegation that is denied, submit a statement that sets forth the facts upon which you rely in your denial. Please submit any and all documents and written statements of witnesses or participants to support your position.

10. Submit copies of all written rules, policies and procedures relating to the issue(s) raised in the complaint. If these are not in writing, explain the rules, policies and procedures.
11. If Complainant was denied services or subjected to any other adverse decision, submit the following information:
 - (a) Date complainant was advised of the act complained of;
 - (b) Explain in detail the reason(s) for the action taken;
 - (c) Identify the person(s) recommending the action(s) at issue, including name, position held, and physical disability;
 - (d) Identify the person(s) making the final decision, including name, position held, and physical disability;
 - (e) Provide a copy of any evaluation(s) or investigative report(s), and all other relevant documents relating to the act;
12. Provide any other information and/or explanation you deem relevant to this complaint, and any other information which will assist the Commission in reaching a decision in this matter.



State of Connecticut COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Legal Division ~ 450 Columbus Boulevard, Suite 2, Hartford, CT 06103

Promoting Equality and Justice for all People

GENERAL NOTICE: PARTIES' RIGHTS, DUTIES AND RESPONSIBILITIES

This notice briefly introduces the Commission's complaint investigation procedures. It is not a substitute for the statutes and regulations that govern Commission investigations. These provisions are available on the Commission's website, www.ct.gov/chro, along with other helpful information. Make sure you look at our statutes and regulations if you want to have a more complete understanding of our investigative process.

ARTICLE I: PARTIES' RIGHTS AND DUTIES

Section 1: Duty to Cooperate

Parties have a duty to cooperate with the Commission. Parties must respond to any information or assistance requested by the Commission within the time given to reply.

The Commission must be able to contact you by telephone, email or regular mail at all times. The primary means of communication with parties will be through email. If your email address, street address or telephone number changes, you must notify the Commission immediately in writing. If a party's contact information is not accurate and up to date, the Commission may dismiss the complainant's complaint or default the respondent.

Section 2: Right To Counsel

You may have an attorney represent you if you choose to hire one. Commission legal counsel represents the Commission and not the parties. Attorneys not admitted to the Connecticut bar must move for *pro hac vice* admission to practice before administrative agencies like the Commission on Human Rights and Opportunities. This is the result of the Connecticut Supreme Court decision in Persels & Associates, LLC v. Banking Commissioner, 318 Conn. 652 (2015) and a change to our practice rules in Practice Book § 2-16.

Non-Connecticut attorneys either must move for *pro hac vice* admission or another attorney or member of the firm admitted in Connecticut must file an appearance using our appearance form. Appearance forms are available on the Commission's website.

STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Section 3: Duty To Provide Other Party With Information

When you send a document or other evidence to the Commission, you must send a copy of the same document or evidence to the other party. Attach a certification to whatever you are filing with the Commission that lists the name and address of the person(s) you have copied. If you do not attach a certification, the Commission may not accept the document.

If a party is represented by an attorney, you only need to send a copy of the document or other evidence to the attorney. You do not need to provide a separate copy to the party.

Section 4: Respondent's Duty To Answer Under Oath And Complainant's Right To Reply

The respondent must file with the Commission a written answer to the complaint under oath within 30 calendar days. One 15 day extension may be granted by the Commission for good cause. If the Respondent requests a Pre-Answer Conciliation within 10 calendar days of receipt of the Complaint, no answer will be due until 30 calendar days after the Commission determines the Pre-Answer Conciliation failed.

The Complainant has a right to file a rebuttal to the Respondent's Answer within 15 days of the Answer's receipt. Only rebuttals that are timely must be considered as part of the case assessment review. If the Respondent is given an extension for filing their Answer, the Complainant will be given the same extension for their time to file their rebuttal.

Section 5: Form of Oath

The Answer must be under oath. While the form of the oath is optional, the requirement of an oath is not. Answers not filed under oath are subject to default as outlined in Article II, Section 9.

The following is a form of the oath that may be used:

State of Connecticut

County of _____ . (name of town where oath taken)

Personally appeared (name of respondent, president or other competent witness) and made oath to the truth of the matter contained in the foregoing answer before me on this ____ day of _____, 20__.

Notary Public/Commissioner of the Superior Court

My commission expires:

STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Section 6: Form of Respondent's Answer

The respondent must answer each and every allegation set out in the complaint. For each allegation the respondent should admit, deny or claim insufficient knowledge to answer. If the respondent admits or denies part of an allegation, it must do so even if it has insufficient knowledge as to another part of that allegation.

If the respondent denies an allegation, the Commission requests that it set out the facts on which it relies for the denial and attach any and all supporting documentation.

Section 7: Right To Inspect, Copy And Comment

The parties have a right to inspect and copy documents in the Commission's case file except as provided in state or federal law and to provide written or oral comment on the evidence before the investigator issues a finding.

Section 8: Right To Alternate Dispute Resolution

Although the Commission is available to assist you in settling this complaint, the parties may elect to use Alternative Dispute Resolution (ADR) at their own expense. ADR allows the parties to select a neutral third party to mediate and/or arbitrate their dispute. If you elect to pursue this process, the Commission will suspend its investigation into the complaint for a period of 90 days.

Section 9: Duty To Accept A Make Whole Relief Offer

The Commission may dismiss a complaint if the complainant fails to accept a make whole relief offer. A make whole relief offer is one where the respondent has eliminated the discriminatory practice complained of, taken steps to prevent a like occurrence in the future and offered full relief to the complainant.

Section 10: Right To Bring Action To Enforce Agreement

A party to a conciliation agreement who believes the agreement is being violated with may bring an action to enforce the agreement in the Superior Court within one year of the violation.

Section 11: Duty To Provide Information

The complainant has a duty to provide whatever information is in his or her possession or available by reasonable means to prove any allegation of the complaint that the respondent denies within 30 days of receipt of the respondent's answer.

The respondent has a duty to answer the complaint. While the Commission prefers that respondents provide all information in their possession or available by reasonable means voluntarily, the Commission has a right under statute to obtain information by subpoena or by other means if the information is not provided.

STATE OF CONNECTICUT
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Section 12: Duty To Participate In Mandatory Mediation

The Commission will schedule mediation conference in all cases that are retained after a case assessment review unless a Pre-Answer Conciliation was held. If a Pre-Answer Conciliation was held, a mediation may but need not be held. Both parties must participate if a mediation conference is scheduled. The purpose of mediation is to see whether there is a way the parties can agree to settle the dispute without having to conduct an investigation.

If the complainant fails to attend mandatory mediation without a showing of good cause then the complaint may be dismissed. If the respondent fails to attend mandatory mediation without a showing of good cause then the respondent may be defaulted.

Section 13: Right To Request Early Legal Intervention

If mediation was not successful, the Commission will assign an investigator to conduct an investigation within 15 days of the failure of mediation. At any time after mediation has been considered to have failed, the complainant, respondent or the Commission may ask for Early Legal Intervention. Within 90 days, an attorney in the agency's Legal Division will determine whether the complaint should proceed directly to public hearing, whether an investigation should be conducted, or whether a release of jurisdiction should be issued.

Section 14: Duty To Participate In A Fact-Finding Conference

A fact-finding conference is a hearing in which the investigator collects information that will help decide the case. If the investigator schedules fact-finding, it is the responsibility of the parties to bring any witnesses or documents that support your claims just as you would do if you had a trial in court

If witnesses will not voluntarily attend, you may contact the investigator well ahead of the fact-finding to see whether the Commission will issue a subpoena. Represented parties should seek subpoenas through their private attorneys pursuant to CONN. GEN. STAT § 51-85.

The Commission may default a respondent or dismiss a complaint for failure to attend a fact-finding conference without good cause.

Section 15: Right To Comment Upon Draft Summary

Parties have 15 days from the mailing of the preliminary draft finding to provide comment. The investigator must consider any comment received from a party before issuing a final finding.

Section 16: Right To Request Reconsideration

If the Commission determines that there is no reasonable cause to believe that the respondent committed a discriminatory practice, the complainant has 15 calendar days from the date the notice of dismissal is sent to the parties to request that the Commission reconsider the dismissal. The request must be in writing and state specific reasons why reconsideration should be granted. Requests for reconsideration not

STATE OF CONNECTICUT
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received within 15 days *must* be rejected. If the 15th day falls on a day that the Commission's offices are closed (weekend, holiday, inclement weather closing, etc.), then the complainant has until the end of the next day that the Commission's offices are open to file the request.

Section 17: Right To Appeal

The complainant may appeal the dismissal of the complaint for no reasonable cause, an administrative dismissal, for failure to attend mediation, after a final order of a human rights referee or after reconsideration is rejected. The Commission and the respondent may appeal after a final order of a human rights referee.

The appeal is to the Superior Court. Any appeal must strictly comply with all applicable statutory and other requirements.

Section 18: Right To Bring An Action In Superior Court

Generally, all complaints alleging illegal discrimination must be filed with the Commission. A complainant may, however, file an action directly in court if the action involves an alleged discriminatory state practice, housing discrimination, discriminatory credit practices or to enforce a conciliation agreement.

Complainants who file complaints with the Commission may request a release of jurisdiction of their state law claims and proceed to Superior Court. If the request is received before a Case Assessment Review has been conducted, the Commission will first conduct an expedited Case Assessment Review before issuing the release. The complainant and respondent may jointly request a release at any time after a complaint has been filed. The Commission may defer to act on a request for a release of jurisdiction if there is reason to believe the complaint will be resolved within thirty days of the request's receipt. Generally, there will be reason to believe a complaint will be resolved within thirty days after draft findings of fact have been issued during an investigation. Requests for a release of jurisdiction made after draft findings have been issued will not, therefore, be acted upon until the expiration of thirty days or upon good cause.

ARTICLE II: COMMISSION PROCESSES AND PROCEDURAL DUTIES

Section 1: Pre-Answer Conciliation

Within 10 calendar days of receipt of the complaint, the respondent may provide written notice to the complainant and the Commission that it is electing to participate in Pre-Answer Conciliation. After receiving timely notice, the Commission will conduct Pre-Answer Conciliation within 30 days of receiving the respondent's notice. If conciliation is not successful, the Commission may decide not to hold a mediation conference following Case Assessment Review. Pre-Answer Conciliation is not available for complaints of housing discrimination.

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COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Section 2: Case Assessment Review

Within 60 days of the filing of the answer, the Commission will conduct a Case Assessment Review. The purpose of the review is to determine if the complaint fails to state a claim for relief or is frivolous on its face, if the respondent is exempt from the provisions of our law or if there is no reasonable possibility that further investigation will result in a finding of reasonable cause. Complaints alleging housing discrimination are not subject to Case Assessment Review.

The Case Assessment Review will be based on the complaint, the respondent's answer and responses to the Commission's requests for information, and the complainant's comments to the respondent's answer and information responses.

If the Commission dismisses the complaint at Case Assessment, a release of jurisdiction will be issued for the complainant to allow them to bring a civil action in Superior Court.

Section 3: Mandatory Mediation

Complaints that are not dismissed at case assessment will be scheduled for mandatory mediation. If the parties met for a Pre-Answer Conciliation, then the Commission may elect not to hold mediation at this stage and the case will proceed directly to an investigation. The mediator will be an investigator in the regional office, a Commission legal counsel or other person qualified to mediate. Whoever is assigned for the mediation will not be assigned to investigate the case should mediation fail. When a complaint is scheduled for mandatory mediation, both parties must attend the session.

Section 4: Complaint Processing Options

If mediation is not successful, the Commission will determine the best way to process the complaint. The Commission may investigate to determine whether there is reasonable cause for believing that a discriminatory practice has been or is being committed as alleged in the complaint. Alternatively, the Commission may, on its own initiative or at the request of either party, process the complaint through the Early Legal Intervention program.

Section 5: Investigation and Fact-Finding Conferences

The Commission may seek to process your complaint by conducting an investigation. This may include witness interviews, review of documents, site visits, issuance of requests for admissions of fact, interrogatories or any other lawful method of findings facts.

Most investigations will involve a fact-finding conference. A fact-finding conference is similar to a trial, except that an investigator rather than a judge is in control of the proceeding. Fact-finding gives the parties and their witnesses an opportunity to be heard under oath. A record of the conference will be kept as evidence. The investigator will control all questions and may allow the parties to question witnesses at the investigator's discretion.

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COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Following the conclusion of the conference, the investigator will examine the evidence in the record and make a finding of reasonable cause or no reasonable cause. In some instances the investigator may elect to continue the fact-finding or request additional information before making a finding.

Section 6: Determination

The purpose of an investigation is to determine whether there is reasonable cause for believing that a discriminatory practice has been or is being committed as alleged in the complaint. If reasonable cause is found, the investigator will attempt to eliminate the discrimination complained of by conciliation within 50 days of the finding. If conciliation is not successful, the investigator will certify the complaint and a public hearing will be held before a human rights referee.

If no reasonable cause is found, the Commission will dismiss the complaint and the Complainant has the right to request reconsideration or to appeal that decision.

Section 7: Early Legal Intervention

The Commission, on its own initiative or at the request of either party, may elect to have a Commission legal counsel consider how to process the complaint. The Commission will make a decision on how to process the complaint within 90 days of the request for Early Legal Intervention. The possible processing options are to have the complaint proceed directly to public hearing, to conduct an investigation, direct the investigator to make a finding of No Reasonable Cause-Administrative Dismissal, or to issue a release of jurisdiction. In making this decision, the Commission may conduct additional proceedings such as witness interviews, document requests, or additional mediation conferences.

Section 8: Dismissing A Complaint

The Commission may dismiss a complaint if the complainant, after notice and without good cause, fails to attend a fact-finding or mandatory mediation session or if the respondent has eliminated the discriminatory practice complained of, taken steps to prevent a like occurrence in the future, and offered the complainant full relief.

Section 9: Defaulting A Respondent

The Executive Director may default a respondent if the respondent fails to timely answer a complaint, fails to respond to a subpoena or answer interrogatories (any timely filed objection will be considered) or, after notice and without good cause, fails to attend a fact-finding conference or mandatory mediation session. Upon the issuance of a default, a hearing will be held for the sole purpose of fashioning an order requiring the respondent to make the complainant whole and to eliminate the discriminatory practice.

A.B.I. Resources LLC

39 Kings Highway, Suite C

Gales Ferry CT, 06335

Phone: (860) 942-0365

Fax: (860) 465-9591

<https://www.CTbrainINJURY.com>

Date: 12/16/2023

Connecticut Commission on Human Rights and Opportunities (CHRO) Capitol
Region Office
450 Columbus Boulevard, Suite 2
Hartford, CT 06103-1835

Subject: **Complaint Against Connecticut CHRO for Disability Discrimination
and Whistleblower Retaliations. RE: David Medeiros v. State of CT,
Department of Social Services CHRO No. 2410220**
EEOC No. N/A

Dear Sir/Madam,

I, David Medeiros, a brain injury survivor and whistleblower, hereby file a formal complaint against the Connecticut Commission on Human Rights and Opportunities (CHRO) for disability discrimination and whistleblower retaliation.

It has come to my attention that CHRO is engaging in practices that undermine my rights for accommodation and ability to self-advocate. CHRO has been presenting and documenting false information as fact, manipulating and misinforming facts, and hindering my pursuit of justice. These actions appear to be a deliberate attempt to use my disability against me, thereby protecting the interests of the State of Connecticut.

Moreover, CHRO has failed to provide necessary accommodations, slowing and complicating the process for justice. This lack of accommodation and the purposeful obfuscation of processes directly violate my rights under federal and state disability laws.



Additionally, there is a concerning discrepancy in CHRO's documentation, specifically regarding the Commissioner of the Connecticut Department of Social Services. Despite Andrea Barton Reeves being announced as the Commissioner by Governor Ned Lamont, in 2022. CHRO's documentation fails to recognize this change and in fact is addressed to Dr. Deidre S. Gifford, who is NOT the Connecticut Department of Social Services Commissioner. This raises serious concerns about the accuracy and credibility of CHRO's records and processes.

Addressing Disability Accommodations:

I wish to highlight the essential requirement for reasonable accommodations for my disability, as mandated by the Americans with Disabilities Act and Connecticut state laws. The failure of the CHRO to provide these necessary accommodations has significantly impeded my ability to participate fairly in my case, thus exacerbating the challenges posed by my disability.

Identifying Systemic Issues:

Furthermore, it appears there are systemic issues within the CHRO that have contributed to the discrimination and retaliation I've faced. These include possible patterns of bias against individuals with disabilities and whistleblowers, as well as procedural inconsistencies. Addressing these systemic issues is crucial not only for the resolution of my case but also to ensure equitable treatment of all individuals interacting with the CHRO.

I request a thorough investigation into these matters by both the CHRO and the Department of Justice. It is imperative that these violations of state and federal disability laws and whistleblower protections be addressed and rectified immediately.

I request your assistance in ensuring fair treatment and accommodations, which are crucial for my effective communication and participation in these matters.

Additionally, I seek guidance and support from the state government to uphold my rights to self-advocate, both as an individual with a disability, a whistleblower, and as a business owner.

It is imperative that government entities respect and facilitate the participation of individuals like me in matters affecting our lives and businesses. I am committed to advocating for transparency and accountability, and I believe the government's intervention is crucial in rectifying the current situation.

Thank you for your attention to this matter.

Best regards,
David Medeiros
David Medeiros
ABI Resources, CEO, Director, Team Member
Medicaid ABI Waiver Program Support Provider.





State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Capitol Region Office - 450 Columbus Boulevard, Suite 2, Hartford, CT 06103

ad the matt 2"9#4:

December 15, 2023

NOT THE COMMISSIONER

Via email: deidre.gifford@ct.gov

Diedre S. Gifford, MD, MPH
Commissioner
Department of Social Services
55 Farmington Avenue
Hartford, CT 06105

RE: David Medeiros v. State of CT, Department of Social Services
CHAO No. 2410220
EEOC No. N/A

Dear Commissioner Gifford

A complaint, referenced above, has been filed with the Commission on March 28, 2023, but due to an administrative error the service was delayed, the Commission apologizes about any inconvenience this may have the caused the Respondent. A copy of the complaint is ~~a~~ d.

The enclosed General Notice advises you of your rights, duties, and responsibilities. Please read carefully the information contained in the notice. The enclosed Notice Regarding Out of State Attorneys advises that all attorneys practicing before the Commission must be ~~ed to~~ practice law in Connecticut and that it is the responsibility of all counsel to comply with Connecticut practice rules. Also enclosed is important information with respect to the conciliation process. The Commission is available to assist you if you wish to pursue settlement of this complaint. If you wish to conciliate the complaint prior to providing an answer, you must notify the Commission within 10 days of receipt of the enclosed complaint.

You must file an answer to the complaint under oath with the Commission within 30 days of receipt of this complaint unless pre-answer conciliation has been requested. If you fail to answer the complaint within this time, you may be defaulted by the Commission. Parties are encouraged to submit all filings by email only without an additional hardcopy if possible. You must email a scanned copy of your signed and notarized Answer to chro.capitol@d.gov and dedra.morris@d.gov.

Main (860) 566-7710 ~ Fax (860) 566-1997
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Affirmative Action/Equal Opportunity Employer



A.B.I. Resources LLC

39 Kings Highway, Suite C

Gales Ferry CT, 06335

Phone: (860) 942-0365

Fax: (860) 465-9591

<https://www.CTbrainINJURY.com>

Date: 12/16/2023

Connecticut Commission on Human Rights and Opportunities (CHRO) Capitol
Region Office
450 Columbus Boulevard, Suite 2
Hartford, CT 06103-1835

Subject: **Submission of a Secondary, Distinct Complaint.**

Complaint Against Connecticut CHRO for Disability Discrimination and
Whistleblower Retaliations. RE: David Medeiros v. State of CT, Department of
Social Services CHRO No. 2410220
EEOC No. N/A

Dear CHRO and Connecticut Government Officials,

I am writing as both the complainant and a victim of the inaction perpetuated by the Connecticut Commission on Human Rights and Opportunities (CHRO) concerning my complaint filed on March 28, 2023. After 262 days without proper accommodation or support, I received a letter dated December 15, 2023, acknowledging an administrative delay without providing a substantive resolution or accommodation.

As a brain injury survivor and the founder of ABI Resources, my ability to function effectively in both personal advocacy and professional capacity has been significantly compromised. The CHRO's lack of action is not merely unacceptable; it represents a systemic failure to uphold the legal mandates designed to protect individuals in my position.

The CHRO's inaction is demonstrative of:

Violation of the ADA's Mandate:

The inexplicable delay in processing my complaint directly violates the ADA's requirements for prompt resolution, thereby discriminating against me based on my disability.

Failure to Provide Accommodations:

The inadequate response in providing the accommodations to which I am legally entitled has critically hampered my ability to participate in legal proceedings and advocate effectively.

Erroneous documentation, including the misidentification of state officials, undermines the integrity and reliability of CHRO's records and processes.

Systemic Disregard:

The pattern of inaction suggests a systemic disregard for the rights of individuals with disabilities and whistleblowers such as myself, calling for an immediate and thorough examination.

Given these points, I am compelled to demand the following:

An External Audit: A comprehensive external audit of the CHRO's handling of my case, including a review of procedures and accommodations for individuals with disabilities and whistleblowers.

ADA Accommodations: Immediate provision of the accommodations to which I am entitled under federal and state law, ensuring my full and fair participation in the complaint process.

Public Formal Apology and Reparations: A formal public acknowledgment of the hardships imposed by the CHRO's negligence and a discussion of reparations for the

significant personal and professional toll it has taken on me as a person living with a brain injury advocating for myself, ABI resources and the Connecticut disabled community at large.

The gravity of these issues and their impact on my civil rights require urgent and decisive action. An affirmative response is expected promptly detailing the CHRO's corrective measures.

Call for Accountability and Action for Disability Discrimination and Communication Barriers

I must again express my profound concern and distress regarding the Connecticut Government's inaction and the barriers I face as a brain injury survivor. It is disheartening and unacceptable that the government, well aware of the cognitive challenges associated with brain injuries, has failed to provide the necessary support and accommodations required for fair and effective communication.

Brain injuries can lead to a myriad of cognitive difficulties, which I experience daily. These include, but are not limited to:

Memory Impairments: Difficulty in recalling information, which can lead to challenges in following through with complex procedures or remembering important dates and instructions.

Attention Deficits: Problems with concentration and being easily overwhelmed by excessive information or convoluted language, hindering the understanding of critical communications.

Executive Dysfunction: Trouble with planning, organizing, and executing tasks, which is exacerbated by the government's convoluted self-advocacy bureaucratic processes.

Language and Communication Issues: Difficulties in understanding or expressing

oneself, especially when faced with intricate legal jargon and lengthy documents.

Processing Speed Delays: Slowed cognitive processing, making it hard to keep up with time-sensitive matters and requiring additional time to understand and respond to information.

Fatigue: Increased cognitive fatigue from trying to navigate complex systems, which can lead to reduced capacity to engage with necessary processes effectively.

The government's lack of action not only overlooks these challenges but seems to exploit them by failing to provide clear, concise, and accessible communication. This approach effectively discriminates against individuals with disabilities like me by creating an environment where they cannot participate fully in their advocacy or seek justice on an equal footing.

The expectation is not just for reasonable accommodations but for proactive measures that ensure communications and processes are fair and accessible. I am urging the Connecticut Government to review its procedures and communication strategies to ensure they align with the principles of the Americans with Disabilities Act (ADA) and respect the rights and needs of brain injury survivors.

Immediate action is required to remedy this situation. The government must:

Implement clear and straightforward communication protocols.

Provide all information in accessible formats, with consideration for cognitive challenges.

Establish a direct and reliable point of contact for assistance in navigating government processes.

Ensure that all government employees interacting with the public are trained in disability awareness and ADA compliance.

The state's failure to act is not only a disservice to individuals with disabilities but a disregard for the values of inclusivity and accessibility. As a brain injury survivor, I implore the Connecticut Government to take immediate steps to correct these oversights and to foster an environment where all citizens are given the tools to participate fully in civic life.

I am requesting that the Connecticut government body protect and ensure my rights and the rights of people like me living with disabilities. Connecticut must take legal action to enforce and ensure compliance with the ADA and protect my rights as a disabled Connecticut brain injury survivor, and founder of ABI Resources in addition to protecting my rights as a whistleblower.

It is imperative that government entities respect and facilitate the participation of individuals like me in matters affecting our lives and businesses. I am committed to advocating for transparency and accountability, and the government's intervention is crucial in rectifying the current situation.

Thank you for your attention to this matter.

Best regards,
David Medeiros
David Medeiros
ABI Resources, CEO, Director, Team Member
Medicaid ABI Waiver Program Support Provider.





State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Capitol Region Office ~ 450 Columbus Boulevard, Suite 2, Hartford, CT 06103

Promoting Equality and Justice for all People

December 15, 2023

Via email: aabiwr@live.com

David Medeiros
215 Mountain Street
Willimantic, CT 06226

RE: David Medeiros v. State of CT, Department of Social Services
CHRO No. 2410220
EEOC No. N/A

Dear Mr. Medeiros:

This letter confirms that your complaint, referenced above, has been filed with the Commission on March 28, 2023, but due to an administrative error the service was delayed, the Commission apologizes for any inconvenience this may have caused you.

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If I can be of further assistance, please do not hesitate to contact me.

NO NAME

Commission on Human Rights and Opportunities
Capitol Region Office
450 Columbus Boulevard, Suite 2
Hartford, CT 06103
860-541-3456

Main (860) 566-7710 ~ Fax (860) 566-1997
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State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Capitol Region Office ~ 450 Columbus Boulevard, Suite 2, Hartford, CT 06103

Promoting Equality and Justice for all People

December 15, 2023

NOT THE COMMISSIONER

Via email: deidre.gifford@ct.gov

Diedre S. Gifford, MD, MPH
Commissioner
Department of Social Services
55 Farmington Avenue
Hartford, CT 06105

RE: David Medeiros v. State of CT, Department of Social Services
CHRO No. 2410220
EEOC No. N/A

Dear Commissioner Gifford:

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A.B.I. Resources LLC

39 Kings Highway, Suite C

Gales Ferry CT, 06335

Phone: (860) 942-0365

Fax: (860) 465-9591

<https://www.CTbrainINJURY.com>

Date: 12/16/2023h

Connecticut Commission on Human Rights and Opportunities (CHRO) Capitol
Region Office
450 Columbus Boulevard, Suite 2
Hartford, CT 06103-1835

Subject: **Submission of a Secondary, Distinct Complaint.**

Complaint Against Connecticut CHRO for Disability Discrimination and
Whistleblower Retaliations. RE: David Medeiros v. State of CT, Department of
Social Services CHRO No. 2410220
EEOC No. N/A

Dear CHRO and Connecticut Government Officials,

I am writing as both the complainant and a victim of the inaction perpetuated by the Connecticut Commission on Human Rights and Opportunities (CHRO) concerning my complaint filed on March 28, 2023. After 262 days without proper accommodation or support, I received a letter dated December 15, 2023, acknowledging an administrative delay without providing a substantive resolution or accommodation.

As a brain injury survivor and the founder of ABI Resources, my ability to function effectively in both personal advocacy and professional capacity has been significantly compromised. The CHRO's lack of action is not merely unacceptable; it represents a systemic failure to uphold the legal mandates designed to protect individuals in my position.

The CHRO's inaction is demonstrative of:

Violation of the ADA's Mandate:

The inexplicable delay in processing my complaint directly violates the ADA's requirements for prompt resolution, thereby discriminating against me based on my disability.

Failure to Provide Accommodations:

The inadequate response in providing the accommodations to which I am legally entitled has critically hampered my ability to participate in legal proceedings and advocate effectively.

Erroneous documentation, including the misidentification of state officials, undermines the integrity and reliability of CHRO's records and processes.

Systemic Disregard:

The pattern of inaction suggests a systemic disregard for the rights of individuals with disabilities and whistleblowers such as myself, calling for an immediate and thorough examination.

Given these points, I am compelled to demand the following:

An External Audit: A comprehensive external audit of the CHRO's handling of my case, including a review of procedures and accommodations for individuals with disabilities and whistleblowers.

ADA Accommodations: Immediate provision of the accommodations to which I am entitled under federal and state law, ensuring my full and fair participation in the complaint process.

Public Formal Apology and Reparations: A formal public acknowledgment of the hardships imposed by the CHRO's negligence and a discussion of reparations for the

significant personal and professional toll it has taken on me as a person living with a brain injury advocating for myself, ABI resources and the Connecticut disabled community at large.

The gravity of these issues and their impact on my civil rights require urgent and decisive action. An affirmative response is expected promptly detailing the CHRO's corrective measures.

Call for Accountability and Action for Disability Discrimination and Communication Barriers

I must again express my profound concern and distress regarding the Connecticut Government's inaction and the barriers I face as a brain injury survivor. It is disheartening and unacceptable that the government, well aware of the cognitive challenges associated with brain injuries, has failed to provide the necessary support and accommodations required for fair and effective communication.

Brain injuries can lead to a myriad of cognitive difficulties, which I experience daily. These include, but are not limited to:

Memory Impairments: Difficulty in recalling information, which can lead to challenges in following through with complex procedures or remembering important dates and instructions.

Attention Deficits: Problems with concentration and being easily overwhelmed by excessive information or convoluted language, hindering the understanding of critical communications.

Executive Dysfunction: Trouble with planning, organizing, and executing tasks, which is exacerbated by the government's convoluted self-advocacy bureaucratic processes.

Language and Communication Issues: Difficulties in understanding or expressing

oneself, especially when faced with intricate legal jargon and lengthy documents.

Processing Speed Delays: Slowed cognitive processing, making it hard to keep up with time-sensitive matters and requiring additional time to understand and respond to information.

Fatigue: Increased cognitive fatigue from trying to navigate complex systems, which can lead to reduced capacity to engage with necessary processes effectively.

The government's lack of action not only overlooks these challenges but seems to exploit them by failing to provide clear, concise, and accessible communication. This approach effectively discriminates against individuals with disabilities like me by creating an environment where they cannot participate fully in their advocacy or seek justice on an equal footing.

The expectation is not just for reasonable accommodations but for proactive measures that ensure communications and processes are fair and accessible. I am urging the Connecticut Government to review its procedures and communication strategies to ensure they align with the principles of the Americans with Disabilities Act (ADA) and respect the rights and needs of brain injury survivors.

Immediate action is required to remedy this situation. The government must:

Implement clear and straightforward communication protocols.

Provide all information in accessible formats, with consideration for cognitive challenges.

Establish a direct and reliable point of contact for assistance in navigating government processes.

Ensure that all government employees interacting with the public are trained in disability awareness and ADA compliance.

The state's failure to act is not only a disservice to individuals with disabilities but a disregard for the values of inclusivity and accessibility. As a brain injury survivor, I implore the Connecticut Government to take immediate steps to correct these oversights and to foster an environment where all citizens are given the tools to participate fully in civic life.

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It is imperative that government entities respect and facilitate the participation of individuals like me in matters affecting our lives and businesses. I am committed to advocating for transparency and accountability, and the government's intervention is crucial in rectifying the current situation.

Thank you for your attention to this matter.

Best regards,
David Medeiros
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Medicaid ABI Waiver Program Support Provider.





State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Capitol Region Office ~ 450 Columbus Boulevard, Suite 2, Hartford, CT 06103

Promoting Equality and Justice for all People

December 15, 2023

Via email: aabiwr@live.com

David Medeiros
215 Mountain Street
Willimantic, CT 06226

RE: David Medeiros v. State of CT, Department of Social Services
CHRO No. 2410220
EEOC No. N/A

Dear Mr. Medeiros:

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Date: 12/18/2023

Connecticut Department of Social Services

Office of the Commissioner Andrea Barton Reeves

And all Pertinent Departments with Connecticut gov.

Subject: New Complaint Addressing Systemic Injustice: Disability Discrimination and Whistleblower Retaliation Complaint.

I am writing to formally file a complaint of continued disability discrimination and whistleblower retaliation against myself, David Medeiros, and ABI Resources by the Connecticut Department of Social Services (DSS) and their systems.

1. Removal and premature closure of Sandata EVV Ticket #539494.

The recent incident involving the removal and premature closure of Sandata EVV Ticket #539494, without notification or consent, is a glaring example of this ongoing issue. This complaint, crucial to the operation and integrity of ABI Resources, was dismissed and marked as resolved, contrary to the actual unresolved status. This act not only undermines the trust and communication essential for our operations but also reflects a disturbing pattern of disregard for the rights and voices of those advocating for disability support services.

As you are aware there's a widespread problem related to the stop of companion authorizations within the Connecticut Departments of Social Services systems for consumers under the Medicaid ABI Waiver program after December 31st, 2023 serviced by ABI Resources.

This situation may lead to a disruption in necessary support services for many Connecticut Medicaid Acquired Brain Injury (ABI) Waiver Program consumers.

2. Unauthorized alteration of ABI Resources' contact information.

Furthermore, the recent unauthorized alteration of ABI Resources' contact information in Sandata's system, which was only rectified after our proactive inquiry today, suggests a deliberate attempt to hinder our ability to receive critical information and engage in necessary advocacy. This action, coupled with the previous complaint's dismissal, points to a systemic issue of discrimination and retaliation that must be addressed immediately.

As a brain injury survivor, I find these actions by the Connecticut DSS not only professionally concerning but also personally disheartening. They represent a breach of trust, a violation of whistleblower protections, and a disregard for the rights of individuals with disabilities.

The Connecticut Department of Social Services must fix this wrongdoing now and protect and ensure the rights of people living with brain injuries and consumers of the Medicaid ABI Waiver Program.

I request a thorough and transparent investigation into these actions and insist on the implementation of measures to prevent recurrence. I also seek assurance that ABI Resources and I will not face further discriminatory practices or retaliatory actions for our advocacy and whistleblower activities.

I expect a prompt and constructive response to this complaint, along with a commitment to upholding the principles of fairness, transparency, and respect for the rights of all individuals, especially those with disabilities.

Best regards,
David Medeiros
David Medeiros
ABI Resources, CEO, Director, Team Member
Medicaid ABI Waiver Program Support Provider.



12/18/23, 9:46 AM

Mail - ABI RESOURCES 860 942-0365 - Outlook

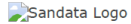
Re: CT DSS: No Authorization Scheduling-ABI RESOURCES 4103-Ticket 539494 ID: 539494 Account: [Sandata Technologies]

Lupson Pasteur (Sandata Technologies) <support@sandata.zendesk.com>

Mon 12/18/2023 9:15 AM

To: David Medeiros <aabiwr@live.com>

- Please type your reply above this line -##



PLEASE DO NOT FORWARD THIS EMAIL! Do not reply to this email unless it pertains to the issue referenced in this email.

Your request (539494) has been updated:

Lupson Pasteur (Sandata Technologies)

Dec 18, 2023, 9:15 AM EST

Heather and David,

I hope all is well. Please send me a screenshot of the authorization that shows in the state portal for each client showing the correct end date.

- Member Name:
- Member Medicaid ID:
- **ClientOtherID (Required in order to escalate):**
- Agency's AVRS ID Number:
- What Payor? Ct Medicaid Clinical/non clinical, MHW, Etc
- Member Authorization Number:
- Name of service code(s) missing:
- How many units/hours/visits:
- Dates of service(s) missing:
- Date Authorization Uploaded (Determination Date column in DSS Portal):
- Agency Confirmed Member in DSS Portal (Y/N):
- Client Eligibility in Portal- Agency should provide Verification Number in the Eligibility Verification Response field in portal:
- DSS Portal Status Column Reflects Approved or Auto-Approved (Y/N):
- Member Checked in EVV by Customer Care Agent (Y/N):

Thanks,

Check out Sandata on Demand (with the link below), your 24/7 resource to all things Sandata support! Review release notes, how to videos and other tips for using our software.

<https://sandata.zendesk.com/hc/en-us>

Lupson Pasteur

Specialist, Support-Tier 2

Sandata Technologies

[270 Duffy Avenue, Unit 266A, Hicksville, NY 11801](#)

Lupson Pasteur (Sandata Technologies)

Samantha Brown (Sandata Technologies)

Dec 14, 2023, 10:53AM EST

Thank you for contacting Sandata Customer Support today Heather.

We appreciate you taking the time to speak with us to resolve your issue with no authorization scheduling ticket [#539494](#).

- **Actions Taken**

- I advised Heather of why she was getting the authorization error when scheduling.

- **Next Steps**

- Heather should reach out to the case managers of the clients about the authorizations.

If you should have any additional issues or questions, please do not hesitate to reply back to this ticket!

Did you know that you can manage your tickets online and search for answers in real time? Visit us on Sandata on Demand at [Sandata.zendesk.com](https://sandata.zendesk.com) at any time for information about our products and answers to many of your questions. You can even submit your question right there on that site 24 hours a day.

You will receive a two-question satisfaction survey from Sandata in the next few hours. We hope that you will take a couple of minutes to let us know how we did today and what we can do to serve you even better in the future.

Thank you again and have a wonderful day!

-Sandata Customer Support

Samantha Brown

Tier I Support Specialist

Sandata Technologies

[270 Duffy Avenue, Unit 266A, Hicksville, NY 11801](#)

Please reach out to your designated Customer Care email group or your designated phone number if you have any questions or concerns.

Sincerely,

<https://outlook.live.com/mail/0/inbox/id/AQQkADAwATNiZmYAZC1hNTUAOC0wYjQ3LTAwAi0wMAoAEADi9Soz3yZhTqAamdViojif>

2/3

Re: WBR Complaint

ABI RESOURCES 860 942-0365 <AABIWR@LIVE.COM>

Tue 12/19/2023 12:44 PM

To: Morris, Kimberly <Kimberly.Morris@ct.gov>

Cc: ABI RESOURCES 860 942-0365 <AABIWR@LIVE.COM>

Would you please schedule a time for us to sit down and complete this?

Best regards,

David Medeiros

ABI Resources

Medicaid Acquired Brain Injury ABI Waiver Program Provider



From: Morris, Kimberly <Kimberly.Morris@ct.gov>**Sent:** Tuesday, December 19, 2023 12:36 PM**To:** ABI RESOURCES 860 942-0365 <AABIWR@LIVE.COM>**Subject:** RE: WBR Complaint

Please fill out each line item on the complaint and have the complaint notarized, you can go to a bank to have the complaint notarized.

If you have questions regarding the procedures if this office, I'm willing to answer questions you may have.

From: ABI RESOURCES 860 942-0365 <AABIWR@LIVE.COM>**Sent:** Tuesday, December 19, 2023 12:24 PM**To:** Morris, Kimberly <Kimberly.Morris@ct.gov>**Subject:** Re: WBR Complaint**Importance:** High

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Assist me in completing all these documents and notarizing them.

Best regards,

David Medeiros

ABI Resources

Medicaid Acquired Brain Injury ABI Waiver Program Provider



From: Morris, Kimberly <Kimberly.Morris@ct.gov>**Sent:** Tuesday, December 19, 2023 12:22 PM**To:** ABI RESOURCES 860 942-0365 <AABIWR@LIVE.COM>**Subject:** RE: WBR Complaint

What type of accommodations do you need?

From: ABI RESOURCES 860 942-0365 <AABIWR@LIVE.COM>**Sent:** Tuesday, December 19, 2023 12:21 PM**To:** Morris, Kimberly <Kimberly.Morris@ct.gov>**Cc:** ABI RESOURCES 860 942-0365 <AABIWR@live.com>**Subject:** Re: WBR Complaint**Importance:** High

You don't often get email from aabiwr@live.com. [Learn why this is important](#)

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hello Ms. Morris,

Thank you for informing me about the need to complete the Whistleblower Retaliation (WBR) Complaint forms and having everything notarized. I appreciate your guidance in this process.

I am contacting you to request accommodations to assist me in completing all these documents and notarizing them.

Would you kindly provide me assistance with this process?

Your support would be greatly appreciated.

Thank you for your understanding.

Best regards,

David Medeiros

ABI Resources

Medicaid Acquired a Brain Injury ABI Waiver Program Provider

**From:** Morris, Kimberly <Kimberly.Morris@ct.gov>**Sent:** Tuesday, December 19, 2023 9:56 AM**To:** aabiwr@live.com <aabiwr@live.com>**Subject:** WBR Complaint

Good Morning,

It has come to our attention that you would like to file a WBR Complaint.
Please fill out the attached complaint form and have it notarized and sent back.

Thank you.

www.ct.gov/chro**Kimberly D. Morris** (she/her/hers)

Secretary II

Office of Public Hearings

Commission on Human Rights and Opportunities

450 Columbus Blvd., Suite 2

Hartford CT 06103 | AA/EOE

P: 860-418-8770 | F: 860-418-8780 | Direct: 860-541-4711 |

Kimberly.morris@ct.gov



A.B.I. Resources LLC

39 Kings Highway, Suite C

Gales Ferry CT, 06335

Phone: (860) 942-0365

Fax: (860) 465-9591

<https://www.CTbrainINJURY.com>

Date: 12/23/2023

**Subject: Formal Complaint Regarding the Failure to Provide
Reasonable Accommodations by the Commission on Human Rights
and Opportunities (CHRO)**

Dear Governor Ned Lamont and Esteemed Members of the
Connecticut Government,

I am writing to emphasize the importance of effective communication and the dissemination of updated information regarding disability accommodations within our federal and state departments.

As an advocate for individuals with disabilities, I understand the critical role that timely and accurate information plays in ensuring that appropriate accommodations are provided. To this end, I kindly request your assistance in ensuring that all Federal and State Department Executives, along with their associated staff, are kept fully informed and updated about the latest developments, policies, and best practices in disability accommodations.

Your support in this initiative is not only crucial for compliance with legal standards but also embodies our collective commitment to creating an inclusive and supportive environment for all individuals, regardless of their abilities.

This is a formal complaint against the Commission on Human Rights and Opportunities (CHRO) for their failure to provide the necessary reasonable accommodations in line with the Americans with Disabilities Act (ADA). My

experiences as a person living with a brain injury and a stroke survivor have been met with significant challenges in the CHRO's processes, which I believe violate my rights under the ADA.

Despite clear and repeated requests for specific accommodations to assist me in completing the CHRO requirements – namely, assistance in understanding and completing complex documentation and a preference for written communication – these requests have been either misunderstood, misinterpreted as seeking legal advice, or inadequately addressed.

The lack of appropriate accommodations has severely hindered my ability to engage effectively in the CHRO process and has added unnecessary complications to an already challenging situation. This not only impacts my individual case but also sets a concerning precedent for others in similar circumstances seeking fair treatment and support from the CHRO.

The response from the CHRO suggesting I seek assistance from Legal Aid or the UConn School of Law Legal Clinic fails to recognize the nature of my request, which is for administrative support to navigate their procedures due to my disability, and not for legal advice.

I am seeking the following actions to be taken in response to this complaint:

1. A thorough review of my interactions with the CHRO, specifically focusing on their responses (or lack thereof) to my requests for reasonable accommodations.
2. Implementation of measures to ensure that the CHRO staff are adequately trained in ADA compliance, particularly in understanding and providing reasonable accommodations to individuals with disabilities.
3. Provision of the necessary accommodations to allow me to complete the CHRO process effectively, as originally requested.

I believe these steps are essential not only for addressing my individual situation but also for ensuring that the CHRO upholds its responsibilities under the ADA and provides an accessible and equitable process for all individuals, regardless of their abilities.

The legal case of David Medeiros v. State of CT, Department of Social Services, CHRO No. 2410220.'

- Whistleblower Report, Comprehensive Grievance Report and Request for Clarity. Addressing Issues within the Connecticut Medicaid Acquired Brain Injury (ABI) Waiver Program. Whistleblower Report Prepared by:
David Medeiros and ABI Resources LLC
Date: November 21, 2023
ABI Resources LLC
39 Kings Hwy STE C
Gales Ferry, CT. 06226
860 942-0365

These records are crucial for understanding the dynamics of interactions with these key figures in the context of disability rights and whistleblower protections.

Would you please ensure my request is provided to Federal and State Department Executives and Associated staff so they may ensure justice and stay completely updated and informed:

- Connecticut Department of Social Services Commissioner Andrea Barton Reeves
- U.S. Senators Richard Blumenthal and Chris Murphy
- U.S. House Representatives John Larson, Joe Courtney, Rosa DeLauro, Jim Himes, and Jahana Hayes
- Connecticut Governor Ned Lamont
- Lieutenant Governor Susan Bysiewicz
- Secretary of State Denise Merrill
- Attorney General William Tong
- State Treasurer Shawn Wooden
- State Comptroller Kevin Lembo
- State Auditors John Geragosian and Rob Kane
- U.S. Department of Health and Human Services (HHS) Secretary Xavier

Becerra

- Centers for Medicare & Medicaid Services (CMS) Administrator Chiquita Brooks-LaSure
- U.S. Department of Justice (DOJ) Attorney General Merrick Garland
- U.S. Equal Employment Opportunity Commission (EEOC) Chair Charlotte A. Burrows
- Office of Special Counsel (OSC) Special Counsel Henry J. Kerner
- Office for Civil Rights (OCR) at HHS Acting Director Melanie Fontes Rainer
- The Department of Labor DOL
- Government Accountability Office GAO
- Connecticut General Assembly CGA

Thank you for your attention to this matter. I look forward to a prompt and constructive response that serves the greatest good.

Best regards,
David Medeiros
David Medeiros
ABI Resources, CEO, Director, Team Member
Medicaid Acquired Brain Injury ABI Waiver Program Support Provider.





A.B.I. Resources LLC

39 Kings Highway, Suite C

Gales Ferry CT, 06335

Phone: (860) 942-0365

Fax: (860) 465-9591

<https://www.CTbrainINJURY.com>

Date: 12/23/2023

**Subject: Formal Complaint Regarding the Failure to Provide
Reasonable Accommodations by the Commission on Human Rights
and Opportunities (CHRO)**

**Call for Systemic Change: CHRO's Failure in ADA Accommodation
Compliance**

Dear Governor Ned Lamont and Esteemed Members of the
Connecticut Government,

I am writing to emphasize the importance of effective communication and the dissemination of updated information regarding disability accommodations within our federal and state departments.

As an advocate for individuals with disabilities, I understand the critical role that timely and accurate information plays in ensuring that appropriate accommodations are provided. To this end, I kindly request your assistance in ensuring that all Federal and State Department Executives, along with their associated staff, are kept fully informed and updated about the latest developments, policies, and best practices in disability accommodations.

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This is a formal complaint against the Commission on Human Rights and

Opportunities (CHRO) for their failure to provide the necessary reasonable accommodations in line with the Americans with Disabilities Act (ADA). My experiences as a person living with a brain injury and a stroke survivor have been met with significant challenges in the CHRO's processes, which I believe violate my rights under the ADA.

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I am seeking the following actions to be taken in response to this complaint:

1. A thorough review of my interactions with the CHRO, specifically focusing on their responses (or lack thereof) to my requests for reasonable accommodations.
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Date: November 21, 2023
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These records are crucial for understanding the dynamics of interactions with these key figures in the context of disability rights and whistleblower protections.

Would you please ensure my request is provided to Federal and State Department Executives and Associated staff so they may ensure justice and stay completely updated and informed:

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- U.S. Senators Richard Blumenthal and Chris Murphy
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- Connecticut Governor Ned Lamont
- Lieutenant Governor Susan Bysiewicz
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- Attorney General William Tong
- State Treasurer Shawn Wooden
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- State Auditors John Geragosian and Rob Kane
- U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra
- Centers for Medicare & Medicaid Services (CMS) Administrator Chiquita Brooks-LaSure
- U.S. Department of Justice (DOJ) Attorney General Merrick Garland
- U.S. Equal Employment Opportunity Commission (EEOC) Chair Charlotte A. Burrows
- Office of Special Counsel (OSC) Special Counsel Henry J. Kerner
- Office for Civil Rights (OCR) at HHS Acting Director Melanie Fontes Rainer
- The Department of Labor DOL
- Government Accountability Office GAO
- Connecticut General Assembly CGA

Follow-up Mechanism: I respectfully request a formal response to this complaint along with an action plan for addressing these concerns.

Call for External Review or Audit: I urge an independent audit of the CHRO's processes to ensure objective assessment and rectification.

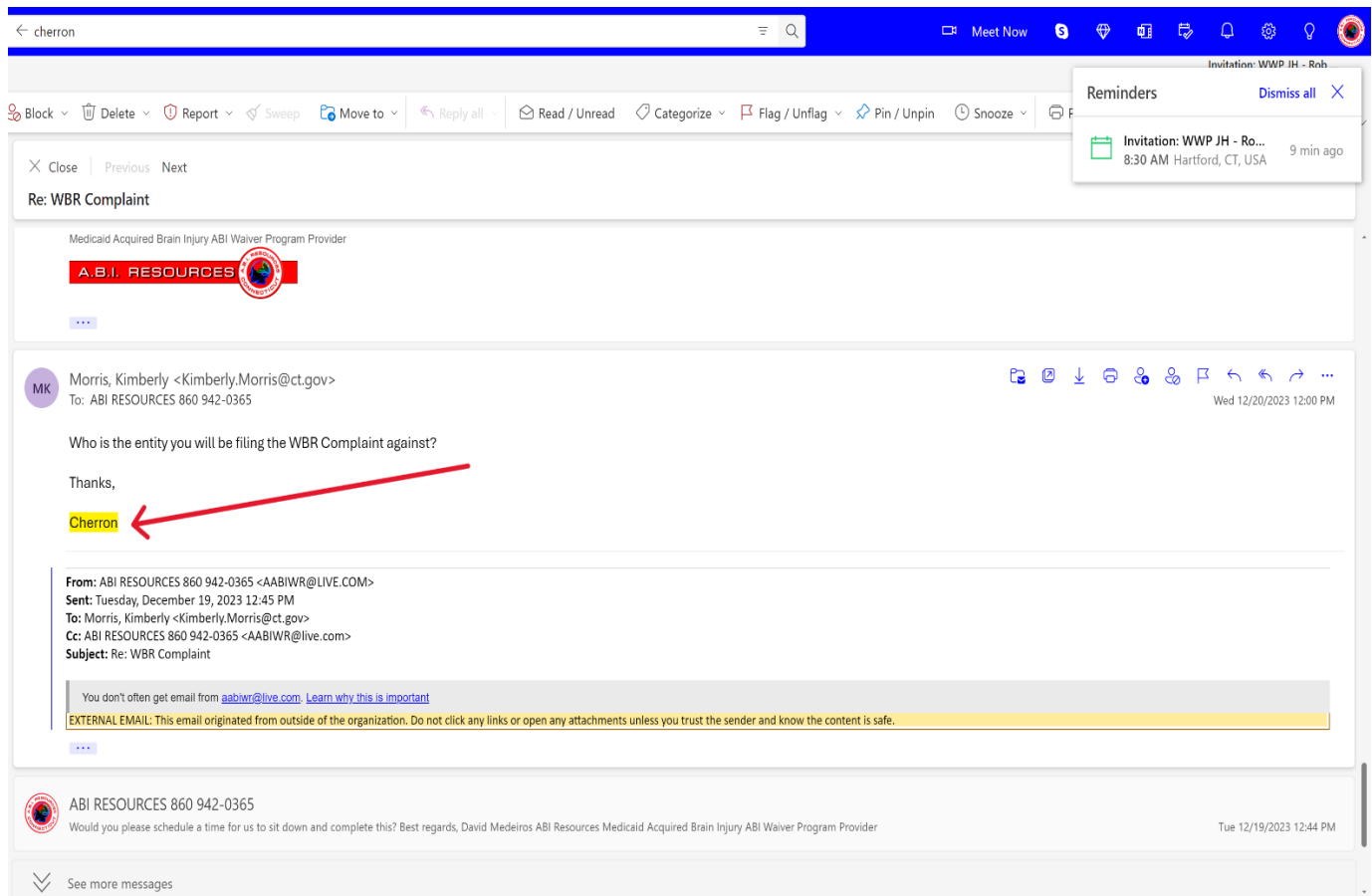
I trust that this matter will be addressed with the seriousness it warrants, not only for my case but for the benefit of all individuals with disabilities in Connecticut.

Thank you for your attention to this matter. I look forward to a prompt and constructive response that serves the greatest good.

Best regards,
David Medeiros
 David Medeiros
 ABI Resources, CEO, Director, Team Member
 Medicaid Acquired Brain Injury ABI Waiver Program Support Provider.



CHRO Judge Dr. Cherron Payne



After a comprehensive discovery process, it has been identified that Dr. Cherron Payne, from Farmington, Connecticut, has been appointed to a significant role within the Connecticut Commission on Human Rights and Opportunities (CHRO). Governor Ned Lamont announced the appointment of Dr. Payne, along with Jon FitzGerald of Bristol, to serve as administrative law judges for the CHRO. Furthermore, Dr. Payne has been designated as the chief human rights referee by Governor Lamont.

The following are new concerns and complaints.

- Judge Dr. Payne, along with Jon FitzGerald of Bristol, serve as administrative law judges for the CHRO but more importantly, Judge Dr. Cherron Payne is to ensure that my civil rights are adhered to. The communication from Judge Dr. Cherron Payne serves as several significant conflicts of interest.
- CHRO failed the Connecticut General Assembly CGA audit dated December 20, 2023. CT's state auditors provide independent and objective audits of the operations of state government and protection against waste, fraud, and abuse.
- CHRO continues to complicate communication challenges in my self-advocacy efforts.
- CHRO continues to request information that has already been submitted.

- CHRO is responsible for ensuring equity and opportunity for Connecticut small and minority business enterprises owned by women, ethnic minorities, and people with disabilities. CHRO is not ensuring equity and opportunity.

NOT THE COMMISSIONER



State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
 Capitol Region Office ~ 450 Columbus Boulevard, Suite 2, Hartford, CT 06103
Promoting Equality and Justice for all People

December 15, 2023

NOT THE COMMISSIONER

Via email: deidre.gifford@ct.gov

Diedre S. Gifford, MD, MPH
 Commissioner
 Department of Social Services
 55 Farmington Avenue
 Hartford, CT 06105

RE: David Medeiros v. State of CT, Department of Social Services
CHRO No. 2410220
EEOC No. N/A

Dear Commissioner Gifford:

A complaint, referenced above, has been filed with the Commission on March 28, 2023, but due to an administrative error the service was delayed, the Commission apologizes about any inconvenience this may have the caused the Respondent. A copy of the complaint is attached.

The enclosed General Notice advises you of your rights, duties, and responsibilities. Please read carefully the information contained in the notice. The enclosed Notice Regarding Out of State Attorneys advises that all attorneys practicing before the Commission must be admitted to practice law in Connecticut and that it is the responsibility of all counsel to comply with Connecticut practice rules. Also enclosed is important information with respect to the no fault conciliation process. The Commission is available to assist you if you wish to pursue settlement of this complaint. If you wish to conciliate the complaint prior to providing an answer, you must notify the Commission within 10 days of receipt of the enclosed complaint.

You must file an answer to the complaint under oath with the Commission within 30 days of receipt of this complaint unless pre-answer conciliation has been requested. If you fail to answer the complaint within this time, you may be defaulted by the Commission. Parties are encouraged to submit all filings by email only without an additional hardcopy if possible. You must email a scanned copy of your signed and notarized Answer to chro.capitol@ct.gov and dedra.morris@ct.gov.

Main (860) 566-7710 ~ Fax (860) 566-1997
www.ct.gov/chro - Toll Free in Connecticut (800) 477-8737
 Affirmative Action/Equal Opportunity Employer

263 DAYS LATER



State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Capitol Region Office ~ 450 Columbus Boulevard, Suite 2, Hartford, CT 06103

Promoting Equality and Justice for all People

December 15, 2023

Via email: aabiwr@live.com

David Medeiros
215 Mountain Street
Willimantic, CT 06226

RE: David Medeiros v. State of CT, Department of Social Services
CHRO No. 2410220
EEOC No. N/A

Dear Mr. Medeiros:

This letter confirms that your complaint, referenced above, has been filed with the Commission on March 28, 2023, but due to an administrative error the service was delayed, the Commission apologizes for any inconvenience this may have caused you.

The enclosed General Notice advises you of your rights, duties, and responsibilities. **Please read carefully the information contained in the notice.**

You have a duty to respond timely to any information or assistance requested and to cooperate with the Commission at all times. It is your sole duty and responsibility to notify the Commission of your whereabouts at all times throughout the pendency of this complaint. In the event that your address, telephone number, or email address changes, it is your duty to notify the Commission immediately in writing. **Parties are encouraged to submit all filings by email only without an additional hardcopy if possible. Emailed filings with Capitol Region Office should be emailed to CHRO.Capitol@ct.gov.**

Also, you have a duty to certify to the Commission that you have provided the Respondent with copies of all documents you file with the Commission. For your convenience and use, the enclosed Certification Form is made available.

If I can be of further assistance, please do not hesitate to contact me.

NO NAME

Commission on Human Rights and Opportunities
Capitol Region Office
450 Columbus Boulevard, Suite 2
Hartford, CT 06103
860-541-3456

Main (860) 566-7710 ~ Fax (860) 566-1997
www.ct.gov/chro - Toll Free in Connecticut (800) 477-8737
Affirmative Action/Equal Opportunity Employer



December 20, 2023

Today, our office released the audit [report](#) and audit [summary](#) on the Commission on Human Rights and Opportunities (CHRO) for the fiscal years ended June 30, 2021 and 2022.

The report notes that in all 21 discrimination complaints reviewed, CHRO did not consistently adhere to statutory processing deadlines. In addition, our review of CHRO's CO-59 asset management reports determined the reports were unreliable, due in part, to a lack of complete physical inventory inspections and reconciliations.

If you would like additional information, or if we can be of further assistance, please do not hesitate to contact us.

Sincerely,

A stylized, handwritten signature in black ink.

John C. Geragosian
State Auditor

A stylized, handwritten signature in black ink.

Clark J. Chapin
State Auditor



AUDIT SUMMARY

Commission on Human Rights and Opportunities

Fiscal Years Ended June 30, 2021 and 2022

ABOUT THE AGENCY



The principal duty of the Commission on Human Rights and Opportunities (CHRO) is to enforce state laws prohibiting discrimination in employment, housing, credit, and public accommodations through civil and human rights law enforcement.

CHRO processes discrimination complaints through case assessment, review, mediation, investigation, conciliation, prosecution, and adjudication. As part of its mission, CHRO acts as an advocate and provides education and outreach. It also enforces affirmative action laws and state agency contract compliance.

ABOUT THE AUDIT

We have audited certain operations of the Commission on Human Rights and Opportunities in fulfillment of our duties under Section 2-90 of the Connecticut General Statutes. The scope of our audit included, but was not necessarily limited to, the fiscal years ended June 30, 2021 and 2022. The objectives of our audit were to evaluate the:

1. Commission's internal controls over significant management and financial functions;
2. Commission's compliance with policies and procedures internal to the department or promulgated by other state agencies, as well as certain legal provisions; and
3. Effectiveness, economy, and efficiency of certain management practices and operations, including certain financial transactions.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

 **8 Findings**

Our audit identified internal control deficiencies; instances of noncompliance with laws, regulations, or policies; and a need for improvement in practices and procedures that warrant management's attention.

 **4 Repeat Finding**

NOTEWORTHY FINDINGS



Findings

1

In 21 of 21 discrimination complaints reviewed, CHRO did not consistently adhere to statutory processing deadlines.

2

Our review of CHRO's CO-59 asset management reports determined the reports were unreliable, due in part, to a lack of complete physical inventory inspections and reconciliations.

3

CHRO did not have sufficient information technology resources to effectively support its three areas of service in discrimination case management, contractor compliance, and affirmative action reporting.

4

CHRO was unable to document that it met statutorily required timelines for affirmative action plans submitted by contractors because it did not track the date that the plans were approved or disapproved.



Recommendations

CHRO should process discrimination complaints and determine reasonable cause within the statutory deadlines.

CHRO should work with the Department of Labor to ensure compliance with asset management requirements in Section 4-36 of the General Statutes and the State Property Control Manual.

CHRO should continue to pursue funding and obtain appropriate staffing resources to improve its information management capacity and agency efficiency. The commission should develop a strategy to upgrade its current information technology systems, provide training, and implement electronic processing of state agency and contractor affirmative action plans.

CHRO should improve monitoring over the review of contractor affirmative action plans to ensure that it meets statutory deadlines.



A.B.I. Resources LLC

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Phone: (860) 942-0365

Fax : (860) 465-9591

<https://www.CTbrainINJURY.com>

Date 01.02.2024

Commission on Human Rights and Opportunities

Re: Comprehensive Complaint and Request for Escalation - CHRO
No. 2410220 David Medeiros v. State of Connecticut, Department of
Social Services

Re: Comprehensive Grievance Report and Request for Clarity.

Addressing Issues within the Connecticut Medicaid Acquired Brain
Injury (ABI) Waiver Program.

Whistleblower Report Prepared by: David Medeiros and ABI
Resources LLC Date: November 21, 2023

Re: Newly filed CHRO Complaint 12.29.2023 against CHRO and
DSS.

Esteemed Members of the Commission on Human Rights and Opportunities,

This comprehensive complaint is a cumulation of ongoing concerns, systemic issues, and personal grievances experienced in my interactions with the Commission on Human Rights and Opportunities (CHRO) and the Department of Social Services (DSS). It serves to illuminate the substantial and repetitive failures to adhere to the mandates of the Americans with Disabilities Act (ADA), the disregard for the proper treatment of whistleblowers, and the overall lack of procedural integrity.

I. Introduction and Background:

My journey as a brain injury survivor and stroke survivor has been marred by the CHRO's and DSS's failure to provide necessary ADA accommodations and civil rights. The lack of proper communication and assistance has hindered my ability to effectively engage in proceedings and advocate for my rights. Despite repeated requests for accommodations, such as assistance in understanding and completing complex documentation and a preference for written communication, I have faced misinterpretations and inadequate responses.

II. Allegations of Non-Compliance and Accommodation Failures:

The DSS's actions, including the initiation of complex email threads involving numerous parties, have contravened the clear, simplified communication methods necessary for my effective participation. Notably, the new email and involvement of Mr. Michael Slitt, given his prior engagements with the ABI Waiver Program, presents a glaring conflict of interest, potentially influencing the impartial handling of my case. CHRO email threads with state employees from CHRO and CT DSS Kimberly D. Morris, Debra Morris, CHRO Judge Dr. Cherron Payne, Ferron-Poole, Astread O Matthew. S. Antonetti, Micheal Sillt, Jennifer Nicole Zakrzewski, Deidre Gifford, Andrea Barton Reeves Commissioner, Connecticut Department of Social Services.

III. Whistleblower Protections and Retaliatory Actions:

As a whistleblower, I have reported significant issues within the ABI Waiver Program, placing me at risk of retaliatory actions from individuals within the DSS. The audit's identification of instances of noncompliance with laws, regulations, or policies by the CHRO is indicative of an environment where whistleblower protections are not adequately enforced.

IV. Demand for Investigation and Independent Adjudication:

I demand a detailed investigation into the CHRO's practices, especially regarding ADA accommodations and whistleblower retaliations. It is critical that my distinct complaints be adjudicated independently to prevent the conflation of issues.

V. Federal Escalation Given Audit Findings:

Given the audit findings, which include four repeat findings from previous audits, it is imperative that this matter be escalated to federal authorities, specifically the U.S. Department of Justice Civil Rights Enforcement and all appropriate Federal Departments for an impartial and exhaustive review.

Conclusion and Imperative for Immediate Action:

The systemic issues within the CHRO not only affect my individual case but suggest a broader pattern of noncompliance and disregard for civil rights protections. Immediate federal intervention is necessary to address these deficiencies and ensure justice for all individuals who rely on the CHRO's mandate. These compounding conflicts of interest are profound.

I implore the CHRO to act swiftly and decisively to address these systemic deficiencies, to uphold the rule of law, and to ensure justice for all individuals who rely on its mandate.

VI. Timeliness and Further Accommodations:

The significant delay in addressing CHRO Case 2410220, now exceeding 260 days, is unacceptable and contradicts the principles of timely justice. Such delays have not only affected the resolution of my complaints but also aggravated the challenges I face due to my disability and professional life.

VII. Systemic Changes and Audit Findings:

The recent audit findings have revealed systemic issues within the CHRO's processes, including internal control deficiencies and non-adherence to statutory processing deadlines. These findings correlate directly with the inefficiencies and obstacles I have encountered throughout my case. It is imperative that these systemic issues be addressed immediately to prevent future recurrence and to ensure that all individuals are treated fairly and with respect to their legal rights.

VIII. Escalation to Federal Authorities:

Given the gravity of these issues, and considering the potential limitations of the state-level jurisdiction to provide a comprehensive and unbiased resolution, I request the escalation of my case to the federal authorities. The involvement of entities such as the United States Department of Justice is crucial to ensure that my civil rights are adequately protected, and that justice is served.

IX. Conclusion and Call to Action:

The issues outlined in this comprehensive complaint, corroborated by the recent audit findings and my personal experiences, underscore the urgent need for a review and overhaul of the CHRO's current practices, particularly regarding ADA compliance and whistleblower protections. I request a formal investigation into my allegations, a review of the CHRO's practices by federal authorities, and a public acknowledgment of the failures and steps taken to prevent such failures in the future.

Your immediate and thorough attention to this matter is not only deeply appreciated but also crucial in upholding the principles of justice, fairness, and the rule of law. The systemic issues within the CHRO not only affect my individual case but also suggest a broader pattern of noncompliance and disregard for civil rights protections.

X. Detailed Issues and Specific Incidents:

The issues I've encountered with the CHRO and DSS have been numerous and varied, impacting my ability to seek justice and fair treatment. Notably, my disability accommodations are not met as per ADA guidelines. This includes, but is not limited to, divided complex communications, the improper management of my communications, lack of clear and accessible interactions, and failure to provide necessary support to understand and navigate the processes involved in my case.

XI. Impact on Personal and Professional Life:

The inadequate handling of my complaints and the need for ADA accommodations have had a profound impact on both my personal well-being and my professional endeavors. As the owner of ABI Resources LLC, these issues have not only affected my individual rights but have also hindered my company's operations, which serve individuals with similar disabilities.

XII. Request for Transparency and Accountability:

In the spirit of transparency and accountability, I urge the CHRO to disclose all communications and internal deliberations regarding my case. This includes the provision of detailed explanations for the involvement of new parties in the email thread initiated by DSS and the rationale behind any changes in the handling of my complaints.

XIII. Additional Allegations of Misconduct:

Beyond the initial allegations, I have observed a pattern of behavior that may constitute further misconduct, including the mishandling of sensitive information and a lack of responsiveness to critical issues raised. These actions suggest a systemic disregard for the rights of individuals seeking redress through the CHRO and DSS.

XIV. Remedial Actions and Systemic Reforms:

I call upon the CHRO to implement immediate remedial actions to address the specific issues outlined in this complaint. Furthermore, I advocate for systemic reforms within the CHRO to ensure that future complaints are handled with the requisite seriousness, professionalism, and adherence to legal standards.

XV. Legal and Ethical Implications:

The concerns raised herein have significant legal and ethical implications for the functioning of the CHRO and DSS. It is essential that these bodies operate within the bounds of the law and uphold the highest ethical standards to maintain public trust and ensure the protection of civil rights.

XVI. Conclusion and Expectation of a Timely Response:

In conclusion, the details provided in this comprehensive complaint paint a picture of a system that requires immediate attention and reform. I expect a timely response to each point raised and a detailed action plan outlining the steps the CHRO will take to address these concerns and prevent future failures.

Please regard this letter not as mere correspondence, but as a formal complaint necessitating immediate action and rectification. The issues discussed are not only detrimental to my life but reflect broader systemic problems that may impact others seeking justice through the CHRO and DSS.

XVII. Documentation and Evidence of Non-Compliance:

In support of my claims, I am prepared to provide a comprehensive dossier of all correspondence and records of interactions with the CHRO and DSS that demonstrate the patterns of non-compliance with ADA standards. The detailed log of incidents will illustrate the systemic failures and individual instances of negligence that have occurred throughout the handling of my case.

XVIII. Impact of Non-Compliance on Legal Proceedings:

The lack of ADA compliance has directly affected the legal proceedings related to my case. It has not only delayed the resolution of my complaints but also has compromised the integrity of the process, leaving me at a substantial disadvantage and impeding my right to a fair hearing.

XIX. Proposed Remedies and Accommodations:

I hereby propose the following remedies and accommodations to rectify the current situation:

Immediate implementation of a clear communication protocol that adheres to ADA requirements and civil rights.

Follow-up Mechanism: I respectfully request a formal response to this complaint along with an action plan for addressing these concerns.

XX. Need for Systemic Change and Training:

To prevent future occurrences of such failings, I call for systemic change within the CHRO and DSS, including comprehensive training for all staff on ADA compliance, disability awareness, and the proper handling of whistleblower complaints.

XXI. Assurance of Non-Retaliation:

In light of my status as a whistleblower and the sensitive nature of the issues raised, I seek assurances from the CHRO that there will be no form of retaliation or adverse action taken against me for bringing these matters to light.

XXII. Monitoring and Oversight:

I request that the CHRO establish a system of monitoring and oversight to ensure that the corrective actions proposed are effectively implemented and that compliance with ADA standards is maintained throughout all processes.

XXIII. Appeal for Justice and Integrity:

This complaint is an appeal to the CHRO to uphold the principles of justice and integrity that are the foundation of its mission. The resolution of these issues is not only crucial for my case but is also indicative of the CHRO's commitment to serving the community it is meant to protect.

I expect that this comprehensive complaint will be met with the seriousness it deserves and that immediate steps will be taken to address the concerns raised. The neglect of these issues not only undermines my trust in the CHRO but also casts doubt on the organization's ability to fulfill its mandate.

Thank you for your attention to these urgent matters. I look forward to a detailed response outlining the actions that will be taken to resolve these issues and restore my confidence in the CHRO's commitment to civil rights and justice.

Would you please ensure my complaint is provided to Federal and State Department representatives so they may be advised of civil rights and ensure justice in state processes:

- Connecticut Department of Social Services Commissioner Andrea Barton Reeves
- U.S. Senators Richard Blumenthal and Chris Murphy
- U.S. House Representatives John Larson, Joe Courtney, Rosa DeLauro, Jim Himes, and Jahana Hayes
- Connecticut Governor Ned Lamont
- Lieutenant Governor Susan Bysiewicz
- Secretary of State Denise Merrill
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- Office for Civil Rights (OCR) at HHS Acting Director Melanie Fontes Rainer
- The Department of Labor DOL
- Government Accountability Office GAO
- Connecticut General Assembly CGA

I trust that this matter will be addressed with the seriousness it warrants, for the benefit of all individuals with disabilities in Connecticut.

Thank you for your attention to this matter. I look forward to a prompt and positive response that serves the greatest good.

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Date 01.02.2024

Commission on Human Rights and Opportunities

Re: Comprehensive Complaint and Request for Escalation - CHRO
No. 2410220 David Medeiros v. State of Connecticut, Department of
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Addressing Issues within the Connecticut Medicaid Acquired Brain
Injury (ABI) Waiver Program.

Whistleblower Report Prepared by: David Medeiros and ABI
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I demand a detailed investigation into the CHRO's practices, especially regarding ADA accommodations and whistleblower retaliations. It is critical that my distinct complaints be adjudicated independently to prevent the conflation of issues.

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I implore the CHRO to act swiftly and decisively to address these systemic deficiencies, to uphold the rule of law, and to ensure justice for all individuals who rely on its mandate.

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The significant delay in addressing CHRO Case 2410220, now exceeding 260 days, is unacceptable and contradicts the principles of timely justice. Such delays have not only affected the resolution of my complaints but also aggravated the challenges I face due to my disability and professional life.

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I request that the CHRO establish a system of monitoring and oversight to ensure that the corrective actions proposed are effectively implemented and that compliance with ADA standards is maintained throughout all processes.

XXIII. Appeal for Justice and Integrity:

This complaint is an appeal to the CHRO to uphold the principles of justice and integrity that are the foundation of its mission. The resolution of these issues is not only crucial for my case but is also indicative of the CHRO's commitment to serving the community it is meant to protect.

I expect that this comprehensive complaint will be met with the seriousness it deserves and that immediate steps will be taken to address the concerns raised. The neglect of these issues not only undermines my trust in the CHRO but also casts doubt on the organization's ability to fulfill its mandate.

Thank you for your attention to these urgent matters. I look forward to a detailed response outlining the actions that will be taken to resolve these issues and restore my confidence in the CHRO's commitment to civil rights and justice.

Would you please ensure my complaint is provided to Federal and State Department representatives so they may be advised of civil rights and ensure justice in state processes:

- Connecticut Department of Social Services Commissioner Andrea Barton Reeves
- U.S. Senators Richard Blumenthal and Chris Murphy
- U.S. House Representatives John Larson, Joe Courtney, Rosa DeLauro, Jim Himes, and Jahana Hayes
- Connecticut Governor Ned Lamont
- Lieutenant Governor Susan Bysiewicz
- Secretary of State Denise Merrill
- Attorney General William Tong

- State Treasurer Shawn Wooden
- State Comptroller Kevin Lembo
- State Auditors John Geragosian and Rob Kane
- U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra
- Centers for Medicare & Medicaid Services (CMS) Administrator Chiquita Brooks-LaSure
- U.S. Department of Justice (DOJ) Attorney General Merrick Garland
- U.S. Equal Employment Opportunity Commission (EEOC) Chair Charlotte A. Burrows
- Office of Special Counsel (OSC) Special Counsel Henry J. Kerner
- Office for Civil Rights (OCR) at HHS Acting Director Melanie Fontes Rainer
- The Department of Labor DOL
- Government Accountability Office GAO
- Connecticut General Assembly CGA

I trust that this matter will be addressed with the seriousness it warrants, for the benefit of all individuals with disabilities in Connecticut.

Thank you for your attention to this matter. I look forward to a prompt and positive response that serves the greatest good.

Best regards,
David Medeiros
 David Medeiros
 ABI Resources, CEO, Director, Team Member
 Medicaid Acquired Brain Injury ABI Waiver Program Support Provider.





A.B.I. Resources LLC

39 Kings Highway, Suite C

Gales Ferry CT, 06335

Phone: (860) 942-0365

Fax : (860) 465-9591

<https://www.CTbrainINJURY.com>

Date: 01.02.2024

Subject: Freedom of Information Act Request – Expedited Processing Requested

Request for Information under the Freedom of Information Act.

ADA The Americans with Disabilities Act (ADA)

The Whistleblower Protection Act (WPA)

Dear FOIA Officer Appropriate Authority/Agency,

I am writing to submit a formal request under the provisions of the Connecticut Freedom of Information Act, Conn. Gen. Stat. § 1-200 et seq. This request pertains to obtaining detailed records and communications involving all Connecticut state employees, care management providers associated with Connecticut Community Care, and other relevant parties in relation to the Connecticut Medicaid Acquired Brain Injury (ABI) Waiver Program and other state and federally funded programs for the disabled.

Scope of Request:

All Communications and Correspondences: This includes emails, memos, letters, and other forms of communication between state employees and care management providers under the Connecticut Community Care umbrella, with a focus on those relating to the Connecticut Department of Social Services and the Connecticut Commission on Human Rights and Opportunities.

Activities and Involvement Records: Detailed documentation of activities, roles, and involvement of all Connecticut government employees within the Connecticut Medicaid ABI Waiver Program, including but not limited to, my involvement as David Medeiros and my organization, ABI Resources.

Justification and Context:

All legal cases, including lawsuits or administrative proceedings, relating to civil rights violations, disability discrimination, or whistleblower retaliation within these programs.

Complete records detailing roles, and responsibilities within the ABI Waiver Program.

All written communications, including emails and memos, involving related to the program's operations.

Records of meetings, including minutes and notes, with participation, pertinent to the program.

Reports, audits, or evaluations involving the context of the program.

Records of Reports of any complaints, lawsuits, or grievances pertaining to civil rights or whistleblower retaliation.

From 2014 to the present day.

All grievances, complaints, whistleblower complaints, critical incidents, and retaliation complaints.

	Julia Evans Star	julia.evans.starr@ctcommunitycare.org
	Erin Kane	erin.kane@ctcommunitycare.org
	Danielle Gabor	danielle.gabor@ctcommunitycare.org
SUPERVISOR	Ronald Sturm	Ronald.Sturm@ctcommunitycare.org
CARE MANAGER	Doreen Andrew	Doreen.Andrew@ctcommunitycare.org
CARE MANAGER	Luisa DiNino-Jones	Luisa.DiNino-Jones@ctcommunitycare.org
CARE MANAGER	James Hexter	james.hexter@ctcommunitycare.org
CARE MANAGER	Rachael Meade	Rachael.Meade@ctcommunitycare.org
CARE MANAGER	Michael Murphy	Michael.Murphy@ctcommunitycare.org
CARE MANAGER	Trecia Reid	Trecia.Reid@ctcommunitycare.org
CARE MANAGER	Carol Weber	Carol.Weber@ctcommunitycare.org
SUPERVISOR	Randell Wilson	Randell.Wilson@ctcommunitycare.org
CARE MANAGER	Sue Carserino	sue.carserino@ctcommunitycare.org

CARE MANAGER	Donna Grieder	Donna.Grieder@ctcommunitycare.org
CARE MANAGER	Alise Rangasammy	alise.rangasammy@ctcommunitycare.org
CARE MANAGER	Margaret Rucker	Margaret.Rucker@ctcommunitycare.org
CARE MANAGER	Amy Santos	Amy.Santos@ctcommunitycare.org
CARE MANAGER	Yasmina Sims	Yasmina.Sims@ctcommunitycare.org
COORDINATOR	Jilline Gonzalez	jilline.gonzalez@ctcommunitycare.org
CARE MANAGER	Deleise Gordon	
CARE MANAGER	Elizabeth Kirhoffer	elizabeth.kirhoffer@ctcommunitycare.org
CARE MANAGER	Jennifer Roads	Jennifer.Roads@ctcommunitycare.org
CARE MANAGER	Danielle Soto	
CARE MANAGER	Olivia Swerling	Olivia.Swerling@ctcommunitycare.org
COORDINATOR	Jilline Gonzalez	jilline.gonzalez@ctcommunitycare.org
SUPERVISOR	Kiomara Cruz	Kiomara.Cruz@ctcommunitycare.org
SUPERVISOR	Dawn Grenier	Dawn.Grenier@ctcommunitycare.org
SUPERVISOR	Randell Wilson	Randell.Wilson@ctcommunitycare.org
SPECIALIZED CARE	Carrie Belekewicz	carrie.belekewicz@ctcommunitycare.org
SPECIALIZED CAR	Claudine Brissett	Claudine.Brissett@ctcommunitycare.org
SPECIALIZED CARE	Shana Chesanek	shana.chesanek@ctcommunitycare.org
CARE MANAGER	Julie Eisenberg	Julie.Eisenberg@ctcommunitycare.org
CARE MANAGER	Kathleen Hazelton	kathleen.hazelton@ctcommunitycare.org
CARE MANAGER	Danielle Lonergan	
CARE MANAGER	Sheri Mitchell	Sheri.Mitchell@ctcommunitycare.org
CARE MANAGER	Lyanne Peffley	Lyanne.Peffley@ctcommunitycare.org
CARE MANAGER	Crystal Ruiz	Crystal.Ruiz@ctcommunitycare.org
CARE MANAGER	Amy Thomas	Amy.Thomas@ctcommunitycare.org
CARE MANAGER	Trisha Whiterock	trisha.whiterock@ctcommunitycare.org
ACCESS COORDINATOR	Maria Soto	Maria.Soto@ctcommunitycare.org
TRANSITION COORDINATOR	Shontai Butler	Shontai.Butler@ctcommunitycare.org

TRANSITION COORDINATOR	Melissa Cole	melissa.cole@ctcommunitycare.org
TRANSITION COORDINATOR	Azara Francis	azara.francis@ctcommunitycare.org
TRANSITION COORDINATOR	Mariadel Gonzalez	Mariadel.Gonzalez@ctcommunitycare.org
TRANSITION COORDINATOR	Paris Henry	Paris.Henry@ctcommunitycare.org
TRANSITION COORDINATOR	Michelle Hunnicutt	michelle.hunnicutt@ctcommunitycare.org
TRANSITION COORDINATOR	Gloria Jubrey	gloria.jubrey@ctcommunitycare.org
TRANSITION COORDINATOR	Tara Kearney	Tara.Kearney@ctcommunitycare.org
TRANSITION COORDINATOR	Saidah McKinley	
TRANSITION COORDINATOR	Leyda Ortiz	leyda.ortiz@ctcommunitycare.org
TRANSITION COORDINATOR	Jessenia Perez	Jessenia.Perez@ctcommunitycare.org
TRANSITION COORDINATOR	Quinntieja Scott	quinntieja.scott@ctcommunitycare.org
TRANSITION COORDINATOR	Keyla Sical	Keyla.Sical@ctcommunitycare.org
TRANSITION COORDINATOR	Alyssa Torres	Alyssa.Torres@ctcommunitycare.org
TRANSITION COORDINATOR	Bria Wilson	bria.wilson@ctcommunitycare.org
HOUSING COORDINATOR	Joseph Ashley	joshua.vaughn@ctcommunitycare.org
HOUSING COORDINATOR	Clarissa Candelaria	clarissa.candelaria@ctcommunitycare.org
HOUSING COORDINATOR	Katrina Frink	katrinia.frink@ctcommunitycare.org
HOUSING COORDINATOR	Lydia Gomez	lydia.gomez@ctcommunitycare.org
HOUSING COORDINATOR	Tomiko Grant	tomiko.grant@ctcommunitycare.org
HOUSING COORDINATOR	Carol Lee	carol.lee@ctcommunitycare.org
HOUSING COORDINATOR	Kaila Malloy	kaila.malloy@ctcommunitycare.org
HOUSING COORDINATOR	Joselyn Rosario	Joselyn.Rosario@ctcommunitycare.org
HOUSING COORDINATOR	Belinda Sierra	belinda.sierra@ctcommunitycare.org
HOUSING COORDINATOR	Kejarenee Suggs	Keja.Suggs@ctcommunitycare.org
HOUSING COORDINATOR	Crystal Wise	Crystal.Wise@ctcommunitycare.org

This request seeks access to records pertaining to all grievances, complaints, whistleblower complaints, and retaliation complaints. This includes any legal cases, lawsuits, or administrative proceedings related to civil rights violations, disability discrimination, or whistleblower retaliation within Connecticut's various state-managed programs

The records are critical for understanding the dynamics of interactions within these programs, especially in the context of civil disability rights and whistleblower protections. They are pivotal for informed advocacy and ensuring compliance with legal and ethical standards in these vital areas.

I specifically refer to the case of David Medeiros v. State of CT Department of Social Services (CHRO No. 2410220), in which I am directly involved. This case underlines the urgent need for transparency and accountability within state-managed disability support programs. Given the direct connection of this request to the following

- Whistleblower Report, Comprehensive Grievance Report and Request for Clarity. Addressing Issues within the Connecticut Medicaid Acquired Brain Injury (ABI) Waiver Program. Whistleblower Report Prepared by: David Medeiros and ABI Resources LLC Date: November 21, 2023 ABI Resources LLC 39 Kings Hwy STE C Gales Ferry, CT. 06226 860 942-0365
- 12.23.2023 Letter - Governor Ned Lamont: Addressing Systemic Failure in ADA Compliance and Disability Discrimination in Connecticut – A Call to Action Against Whistleblower Retaliation and the Failure of CT DSS and CHRO to Uphold Disability Rights.

Given my personal circumstances as a brain injury and stroke survivor, timely access to these records is not just a legal right but a necessity. The nature of my disabilities sometimes imposes barriers to effective self-advocacy and communication. Prompt access to these records is crucial for my ability to manage and respond to the challenges posed by my disabilities.

Under the FOIA, there is a provision for expedited processing when the requester demonstrates a compelling need. While there may not be an immediate physical threat in my case, the lack of timely information significantly impairs my rights and advocacy efforts, essential for my wellbeing and that of others relying on my support and expertise.

Therefore, I request that my FOIA application be processed on an expedited basis, recognizing these factors. Your prompt attention to this request would support my ongoing efforts to champion the rights and needs of individuals with disabilities.

Should any part of my request be denied, I ask for a justification for all deletions by reference to specific exemptions of the Act and expect the release of all segregable portions of otherwise exempt material. I reserve the right to appeal any decision to withhold information or deny a waiver of fees.

These records are crucial for understanding the dynamics of interactions with these key figures in the context of civil disability rights and whistleblower protections pertaining to these state-managed programs.

- Acquired Brain Injury (ABI) Program
- Alzheimer's Respite Care Program
- Autism Spectrum Disorder - ASD
- Birth to Three
- Board of Education and Services for the Blind
- Care4Kids
- Certified Community Behavioral Health Clinics
- Child Support
- CHOICES - CT's State Health Insurance Assistance Program for Medicare Beneficiaries
- Commodity Supplemental Food Program
- Community First Choice
- Community Options
- Connect-Ability
- Connecticut AIDS Drug Assistance Program (CADAP)
- Connecticut Behavioral Health Partnership - CTBHP
- Connecticut Energy Assistance Program
- Connecticut Home Care Program For Elders
- Connecticut Housing Engagement and Support Services (CHESS) Initiative
- Connecticut Integrated Care for Kids
- Connecticut Supplemental Nutrition Assistance Program Education (SNAP-Ed)
- CT Medicaid Enterprise Technology System (CT METS)
- Deaf and Hard of Hearing Services
- Department of Rehabilitation Services
- Disability Services
- Durable Medical Equipment

- Economic Security - Financial Assistance
- Elderly Simplified Application Project (ESAP)
- Electronic Visit Verification
- Fatherhood Initiative of CT
- Grandparents As Parents
- Housing Options for Seniors
- Human Services Infrastructure
- HUSKY (Medicaid) Coverage for Breast and Cervical Cancer
- HUSKY Health (Medicaid & Children's Health Insurance Program)
- Jobs First
- Long-Term Services and Supports - LTSS
- Med-Connect (Medicaid for Employees with Disabilities)
- Medicaid Nursing Home Reimbursement
- Medicare Savings Program
- Money Follows the Person
- National Family Caregiver Support Program
- Non-Emergency Medical Transportation (NEMT)
- Nutrition Assistance Programs
- PCA CERTIFICATION TEST
- PCMH+ Member Information
- Refugee Assistance Program
- School Based Child Health (SBCH)
- Self Direction Personal Protection Equipment Request Form Submission
- Social Work Services
- State Supplement for the Aged, Blind and Disabled
- Supplemental Nutrition Assistance Program - SNAP
- Temporary Family Assistance - TFA
- The Personal Care Attendant Program
- Welfare to Work (Department of Labor)

- Women Infants and Children – WIC

These records are crucial for understanding the dynamics of interactions with these key figures in the context of civil disability rights and whistleblower protections.

Documentation from Federal and State Department Executives and Associated staff:

- Connecticut Department of Social Services Commissioner Andrea Barton Reeves
- U.S. Senators Richard Blumenthal and Chris Murphy
- U.S. House Representatives John Larson, Joe Courtney, Rosa DeLauro, Jim Himes, and Jahana Hayes
- Connecticut Governor Ned Lamont
- Lieutenant Governor Susan Bysiewicz
- Secretary of State Denise Merrill
- Attorney General William Tong
- State Treasurer Shawn Wooden
- State Comptroller Kevin Lembo
- State Auditors John Geragosian and Rob Kane
- U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra
- Centers for Medicare & Medicaid Services (CMS) Administrator Chiquita Brooks-LaSure
- U.S. Department of Justice (DOJ) Attorney General Merrick Garland
- U.S. Equal Employment Opportunity Commission (EEOC) Chair Charlotte A. Burrows
- Office of Special Counsel (OSC) Special Counsel Henry J. Kerner
- Office for Civil Rights (OCR) at HHS Acting Director Melanie Fontes Rainer
- The Department of Labor DOL
- Government Accountability Office GAO
- Connecticut General Assembly CGA

Connecticut State Senate

- John Fonfara - District 1, Democratic

- Douglas McCrory - District 2, Democratic
- Saud Anwar - District 3, Democratic
- MD Rahman - District 4, Democratic
- Derek Slap - District 5, Democratic
- Rick Lopes - District 6, Democratic
- John Kissel - District 7, Republican
- Lisa Seminara - District 8, Republican
- Matthew L. Lesser - District 9, Democratic
- Gary Winfield - District 10, Democratic
- Martin Looney - District 11, Democratic
- Christine Cohen - District 12, Democratic
- Jan Hochadel - District 13, Democratic
- James Maroney - District 14, Democratic
- Joan Hartley - District 15, Democratic
- Robert C. Sampson - District 16, Republican
- Jorge Cabrera - District 17, Democratic
- Heather Somers - District 18, Republican
- Catherine Osten - District 19, Democratic
- Martha Marx - District 20, Democratic
- Kevin C. Kelly - District 21, Republican
- Marilyn Moore - District 22, Democratic
- Herron Gaston - District 23, Democratic
- Julie Kushner - District 24, Democratic
- Bob Duff - District 25, Democratic
- Ceci Maher - District 26, Democratic
- Patricia Miller - District 27, Democratic
- Tony Hwang - District 28, Republican
- Mae Flexer - District 29, Democratic
- Stephen Harding, Jr. - District 30, Republican

- Henri Martin - District 31, Republican
- Eric Berthel - District 32, Republican
- Norm Needleman - District 33, Democratic
- Paul Cicarella, Jr. - District 34, Republican
- Jeff Gordon - District 35, Republican
- Ryan Fazio - District 36, Republican 【23†source】 .
- Connecticut House of Representatives
- Matthew Ritter - District 1, Democratic
- Raghb Allie-Brennan - District 2, Democratic
- Minnie Gonzalez - District 3, Democratic
- Julio Concepcion - District 4, Democratic
- Maryam Khan - District 5, Democratic
- James B. Sánchez - District 6, Democratic
- Joshua Malik Hall - District 7, Democratic
- Tim Ackert - District 8, Republican
- Jason Rojas - District 9, Democratic
- Henry Genga - District 10, Democratic
- Jeffrey Currey - District 11, Democratic
- Geoff Luxenberg - District 12, Democratic
- Jason Doucette - District 13, Democratic
- Tom Delnicki - District 14, Republican
- Bobby Gibson - District 15, Democratic
- Melissa E. Osborne - District 16, Democratic
- Eleni Kavros DeGraw - District 17, Democratic
- Jillian Gilchrest - District 18, Democratic
- Tammy Exum - District 19, Democratic
- Kate Farrar - District 20, Democratic
- Mike Demicco - District 21, Democratic

- Francis Rexford Cooley - District 22, Republican
- Devin Carney - District 23, Republican
- Manny Sanchez - District 24, Democratic
- Bobby Sanchez - District 25, Democratic
- Peter Tercyak - District 26, Democratic
- Gary Turco - District 27, Democratic
- Amy Morrin Bello - District 28, Democratic
- Kerry Szeps Wood - District 29, Democratic
- Donna Veach - District 30, Republican
- Jill Barry - District 31, Democratic
- Christie Carpino - District 32, Republican
- Brandon Chafee - District 33, Democratic
- Irene Haines - District 34, Republican
- Chris Aniskovich - District 35, Republican
- Christine Palm - District 36, Democratic
- Holly Cheeseman - District 37, Republican
- Kathleen McCarty - District 38, Republican
- Anthony Nolan - District 39, Democratic
- Christine Conley - District 40, Democratic
- Aundré Bumgardner - District 41, Democratic
- Keith Denning - District 42, Democratic
- Greg Howard - District 43, Republican
- Anne Dauphinais - District 44, Republican
- Brian Lanoue - District 45, Republican
- Derell Wilson - District 46, Democratic
- Doug Dubitsky - District 47, Republican
- Mark DeCaprio - District 48, Republican
- Susan Johnson - District 49, Democratic

- Pat Boyd - District 50, Democratic
- Ricky Hayes - District 51, Republican
- Kurt Vail - District 52, Republican
- Tammy Nuccio - District 53, Republican
- Gregory Haddad - District 54, Democratic
- Steve Weir - District 55, Republican
- Kevin Brown - District 56, Democratic
- Jaime Foster - District 57, Democratic
- Tom Arnone - District 58, Democratic
- Carol Hall - District 59, Republican
- Jane Garibay - District 60, Democratic
- Tami Zawistowski - District 61, Republican
- Mark Anderson - District 62, Republican
- Jay Case - District 63, Republican
- Maria Horn - District 64, Democratic
- Michelle Cook - District 65, Democratic
- Karen Reddington-Hughes - District 66, Republican
- William Buckbee - District 67, Republican
- Joe Polletta - District 68, Republican
- Cindy Harrison - District 69, Republican
- Seth Bronko - District 70, Republican
- William Pizzuto - District 71, Republican
- Larry Butler - District 72, Democratic
- Ronald Napoli Jr. - District 73, Democratic
- Michael DiGiovancarlo - District 74, Democratic
- Geraldo Reyes - District 75, Democratic
- John Piscopo - District 76, Republican
- Cara Pavalock-D'Amato - District 77, Republican

- Joe Hoxha - District 78, Republican
- Mary Fortier - District 79, Democratic
- Gale Mastrofrancesco - District 80, Republican
- Christopher Poulos - District 81, Democratic
- Michael Quinn - District 82, Democratic
- Jonathan Fazzino - District 83, Democratic
- Hilda Santiago - District 84, Democratic
- Mary Mushinsky - District 85, Democratic
- Vincent Candelora - District 86, Republican
- Dave Yaccarino Sr. - District 87, Republican
- Joshua Elliott - District 88, Democratic
- Lezlye Zupkus - District 89, Republican
- Craig Fishbein - District 90, Republican
- Michael D'Agostino - District 91, Democratic
- Patricia Dillon - District 92, Democratic
- Toni Walker - District 93, Democratic
- Robyn Porter - District 94, Democratic
- Juan Candelaria - District 95, Democratic
- Roland J. Lemar - District 96, Democratic
- Alphonse Paolillo - District 97, Democratic
- Moira Rader - District 98, Democratic
- Joseph Zullo - District 99, Republican
- Kai Juanna Belton - District 100, Democratic
- John-Michael Parker - District 101, Democratic
- Robin Comey - District 102, Democratic
- Liz Linehan - District 103, Democratic
- Kara Rochelle - District 104, Democratic
- Nicole Klarides-Ditria - District 105, Republican

- Mitch Bolinsky - District 106, Republican
- Marty Foncello - District 107, Republican
- Pat Callahan - District 108, Republican
- Farley Santos - District 109, Democratic
- Bob Godfrey - District 110, Democratic
- Aimee Berger-Girvalo - District 111, Democratic
- Tony Scott - District 112, Republican
- Jason Perillo - District 113, Republican
- Mary Welander - District 114, Democratic
- Vacant - District 115
- Treneé McGee - District 116, Democratic
- Charles Ferraro - District 117, Republican
- Frank Smith - District 118, Democratic
- Kathy Kennedy - District 119, Republican
- Laura Dancho - District 120, Republican
- Joe Gresko - District 121, Democratic
- Ben McGorty - District 122, Republican
- David Rutigliano - District 123, Republican
- Andre Baker - District 124, Democratic
- Tom O'Dea - District 125, Republican
- Fred Gee Jr. - District 126, Democratic
- Marcus Brown - District 127, Democratic
- Christopher Rosario - District 128, Democratic
- Steven Stafstrom - District 129, Democratic
- Antonio Felipe - District 130, Democratic
- David Labriola - District 131, Republican
- Michael Leeper - District 132, Democratic
- Cristin Vahey - District 133, Democratic

- Sarah Keitt - District 134, Democratic
- Anne Hughes - District 135, Democratic
- Jonathan Steinberg - District 136, Democratic
- Kadeem Roberts - District 137, Democratic
- Rachel Chaleski - District 138, Republican
- Kevin Ryan - District 139, Democratic
- Travis Simms - District 140, Democratic
- Tracy Marra - District 141, Republican
- Lucy Dathan - District 142, Democratic
- Dominique Johnson - District 143, Democratic
- Hubert Delany - District 144, Democratic
- Corey Paris - District 145, Democratic
- David Michel - District 146, Democratic
- Matt Blumenthal - District 147, Democratic
- Anabel Figueroa - District 148, Democratic
- Rachel Khanna - District 149, Democratic
- Steve Meskers - District 150, Democratic
- Hector Arzeno - District 151, Democratic

As well as communication with recognized esteemed organizations.

National and International Organizations:

- American Association of People with Disabilities (AAPD)
- The Consortium for Citizens with Disabilities (CCD)
- Disability Rights Education and Defense Fund (DREDF)
- Disabled in Action (DIA)
- Equip for Equality
- National Disability Rights Network (NDRN)

- National Council on Independent Living (NCIL)
- Disability Rights Advocates (DRA)

National Whistleblower / Retaliation Advocates

- Government Accountability Project (GAP)
- The Whistleblower Project
- ExposeFacts
- Freedom of the Press Foundation
- National Whistleblower Center
- Project On Government Oversight (POGO)
- Public Employees for Environmental Responsibility (PEER)
- Whistleblower Aid

News Media Outlets and Journalists:

Reporters Committee for Freedom of the Press, The New York Times, The Washington Post The Associated Press (AP), ProPublica, The Wall Street Journal, National Public Radio (NPR) Reuters, CNN, BuzzFeed News, VICE News, Fox News, NBC, MSNBC etc.

Reason for Expedition and Personal Circumstances:

As a survivor of a brain injury and stroke, my condition necessitates prompt access to the requested information. The nature of my disabilities can sometimes impose barriers to effective self-advocacy and communication. Timely access to these records is not just a matter of legal right but also a critical component of my ability to manage and respond to the challenges posed by my disabilities.

The potential delay in receiving this information could significantly impact my ability to effectively advocate for myself and others in similar situations. The information requested is crucial for ensuring that rights are not just upheld but actively protected, particularly in the context of disability support and advocacy.

Under the FOIA, there is provision for expedited processing when the person requesting the information demonstrates a compelling need. According to the FOIA, a compelling need is defined as a situation where failure to obtain the requested records could reasonably be expected to pose an imminent threat

to the life or physical safety of an individual. In my case, while there may not be an immediate physical threat, the lack of timely information significantly impairs my rights and advocacy efforts, which are essential for my wellbeing and that of others who rely on my support and expertise.

Therefore, I kindly request that my FOIA application be processed on an expedited basis, in recognition of these factors. Your prompt attention to this request would be greatly appreciated and would support my ongoing efforts to champion the rights and needs of individuals with disabilities.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information.

Communication Accommodations:

Due to my personal circumstances, including living with a brain injury and being a stroke survivor, I find electronic forms of communication are more effective for my full participation and understanding. These methods allow me to better process, comprehend, and reference the details of our interactions. I kindly request that all communications regarding this FOIA request, including any acknowledgments, updates, or responses, be directed to me via email or written correspondence.

Your cooperation in this regard is not only a legal compliance matter but also an acknowledgment of the accommodations necessary for effective communication and information access.

A prompt and detailed response to this request is essential for the transparent and accountable functioning of the Connecticut Medicaid ABI Waiver Program. Your attention to this matter will significantly contribute to ongoing advocacy self advocacy efforts and policy analysis in this critical area of public health and disability support.

Thank you for your prompt attention to this request.

Best regards,
David Medeiros
David Medeiros
ABI Resources, CEO, Director, Team Member
Medicaid Acquired Brain Injury ABI Waiver Program Support Provider.





A.B.I. Resources LLC

39 Kings Highway, Suite C

Gales Ferry CT, 06335

Phone: (860) 942-0365

Fax : (860) 465-9591

<https://www.CTbrainINJURY.com>

Date: 01.02.2024

Subject: Freedom of Information Act Request – Expedited Processing Requested

Request for Information under the Freedom of Information Act – Jennifer Zakrzewsk's jennifer.zakrzewski@ct.gov

Dear FOIA Officer,

I am submitting this request under the Connecticut Freedom of Information Act, Conn. Gen. Stat. § 1-200 et seq., to obtain records pertaining to Jennifer Zakrzewsk's role and activities within the Connecticut Medicaid Acquired Brain Injury Waiver Program, David Medeiros and ABI Resources. This request is made with the utmost seriousness and urgency to obtain comprehensive records concerning Jennifer Zakrzewsk's involvement in the Connecticut Medicaid Acquired Brain Injury Waiver Program, and any complaints, lawsuits, or grievances pertaining to civil rights or whistleblower retaliation. I am writing to submit a request under the Connecticut Freedom of Information Act, and Conn. Gen. Stat. § 1-200 et seq. As a brain injury survivor, stroke survivor, and founder of ABI Resources, a company providing disability support services.

Expedited Processing Request:

The nature of this request is critical due to its direct connection with the legal case (David Medeiros v. State of CT, Department of Social Services, CHRO No. 2410220) and the Whistleblower Comprehensive Grievance reports concerning the ABI Waiver Program. Given these circumstances, I am requesting expedited processing.

Specific Information Requested:

To gain a thorough understanding of Ms. Zakrzewsk's involvement in the program, I request the following:

All legal cases, including lawsuits or administrative proceedings, relating to civil rights violations, disability discrimination, or whistleblower retaliation within these programs.

Complete records detailing Ms. Zakrzewsk's employment, roles, and responsibilities within the ABI Waiver Program as well as CHRO civil rights.

All written communications, including emails and memos, involving Ms. Zakrzewsk related to the program's operations.

Records of meetings, including minutes and notes, with Ms. Zakrzewsk's participation, pertinent to the program.

Reports, audits, or evaluations involving Ms. Zakrzewsk in the context of the program.

Records of Reports of any complaints, lawsuits, or grievances pertaining to civil rights or whistleblower retaliation.

From the first date of employment to the present day.

All grievances, complaints, whistleblower complaints, and retaliation complaints.

This request seeks access to records pertaining to all grievances, complaints, whistleblower complaints, and retaliation complaints. This includes any legal cases, lawsuits, or administrative proceedings related to civil rights violations, disability discrimination, or whistleblower retaliation within Connecticut's various state-managed programs

The records are critical for understanding the dynamics of interactions within these programs, especially in the context of civil disability rights and whistleblower protections. They are pivotal for informed advocacy and ensuring compliance with legal and ethical standards in these vital areas.

I specifically refer to the case of David Medeiros v. State of CT Department of Social Services (CHRO No. 2410220), in which I am directly involved. This case underlines the urgent need for transparency and accountability within state-managed disability support programs. Given the direct connection of this request to the following

- Whistleblower Report, Comprehensive Grievance Report and Request for Clarity. Addressing Issues within the Connecticut Medicaid Acquired Brain Injury (ABI) Waiver Program. Whistleblower Report Prepared by: David Medeiros and ABI Resources LLC Date: November 21, 2023 ABI Resources LLC 39 Kings Hwy STE C Gales Ferry, CT. 06226 860 942-0365
- 12.23.2023 Letter - Governor Ned Lamont: Addressing Systemic Failure in ADA Compliance and Disability Discrimination in Connecticut – A Call to Action Against Whistleblower Retaliation and the Failure of CT DSS and CHRO to Uphold Disability Rights.

Given my personal circumstances as a brain injury and stroke survivor, timely access to these records is not just a legal right but a necessity. The nature of my disabilities sometimes imposes barriers to effective self-advocacy and communication. Prompt access to these records is crucial for my ability to manage and respond to the challenges posed by my disabilities.

Under the FOIA, there is a provision for expedited processing when the requester demonstrates a compelling need. While there may not be an immediate physical threat in my case, the lack of timely information significantly impairs my rights and advocacy efforts, essential for my wellbeing and that of others relying on my support and expertise.

Therefore, I request that my FOIA application be processed on an expedited basis, recognizing these factors. Your prompt attention to this request would support my ongoing efforts to champion the rights and needs of individuals with disabilities.

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- Steve Meskers - District 150, Democratic
- Hector Arzeno - District 151, Democratic

As well as communication with recognized esteemed organizations.

National and International Organizations:

- American Association of People with Disabilities (AAPD)
- The Consortium for Citizens with Disabilities (CCD)
- Disability Rights Education and Defense Fund (DREDF)
- Disabled in Action (DIA)
- Equip for Equality
- National Disability Rights Network (NDRN)
- National Council on Independent Living (NCIL)
- Disability Rights Advocates (DRA)

National Whistleblower / Retaliation Advocates

- Government Accountability Project (GAP)
- The Whistleblower Project
- ExposeFacts
- Freedom of the Press Foundation
- National Whistleblower Center
- Project On Government Oversight (POGO)
- Public Employees for Environmental Responsibility (PEER)

· Whistleblower Aid

News Media Outlets and Journalists:

Reporters Committee for Freedom of the Press, The New York Times, The Washington Post The Associated Press (AP), ProPublica, The Wall Street Journal, National Public Radio (NPR) Reuters, CNN, BuzzFeed News, VICE News, Fox News, NBC, MSNBC etc.

Reason for Expedition and Personal Circumstances:

As a survivor of a brain injury and stroke, my condition necessitates prompt access to the requested information. The nature of my disabilities can sometimes impose barriers to effective self-advocacy and communication. Timely access to these records is not just a matter of legal right but also a critical component of my ability to manage and respond to the challenges posed by my disabilities.

The potential delay in receiving this information could significantly impact my ability to effectively advocate for myself and others in similar situations. The information requested is crucial for ensuring that rights are not just upheld but actively protected, particularly in the context of disability support and advocacy.

Under the FOIA, there is provision for expedited processing when the person requesting the information demonstrates a compelling need. According to the FOIA, a compelling need is defined as a situation where failure to obtain the requested records could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. In my case, while there may not be an immediate physical threat, the lack of timely information significantly impairs my rights and advocacy efforts, which are essential for my wellbeing and that of others who rely on my support and expertise.

Therefore, I kindly request that my FOIA application be processed on an expedited basis, in recognition of these factors. Your prompt attention to this request would be greatly appreciated and would support my ongoing efforts to champion the rights and needs of individuals with disabilities.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information.

Communication Accommodations:

Due to my personal circumstances, including living with a brain injury and being a stroke survivor, I find electronic forms of communication are more effective for my full participation and understanding. These methods allow me to better process, comprehend, and reference the details of our interactions. I kindly request that all communications regarding this FOIA request, including any acknowledgments, updates, or responses, be directed to me via email or written correspondence.

Your cooperation in this regard is not only a legal compliance matter but also an acknowledgment of the accommodations necessary for effective communication and information access.

A prompt and detailed response to this request is essential for the transparent and accountable functioning of the Connecticut Medicaid ABI Waiver Program. Your attention to this matter will significantly contribute to ongoing advocacy self advocacy efforts and policy analysis in this critical area of public health and disability support.

Thank you for your prompt attention to this request.

Best regards,
David Medeiros
David Medeiros
ABI Resources, CEO, Director, Team Member
Medicaid Acquired Brain Injury ABI Waiver Program Support Provider.





A.B.I. Resources LLC

39 Kings Highway, Suite C

Gales Ferry CT, 06335

Phone: (860) 942-0365

Fax : (860) 465-9591

<https://www.CTbrainINJURY.com>

Date: 01.02.2024

Subject: Freedom of Information Act Request – Expedited Processing Requested

Request for Information under the Freedom of Information Act – Michael Slitt's
michael.slitt@ct.gov

Dear FOIA Officer,

I am submitting this request under the Connecticut Freedom of Information Act, Conn. Gen. Stat. § 1-200 et seq., to obtain records pertaining to Michael Slitt's role and activities within the Connecticut Medicaid Acquired Brain Injury Waiver Program, David Medeiros and ABI Resources. This request is made with the utmost seriousness and urgency to obtain comprehensive records concerning Michael Slitt's involvement in the Connecticut Medicaid Acquired Brain Injury Waiver Program, and any complaints, lawsuits, or grievances pertaining to civil rights or whistleblower retaliation. I am writing to submit a request under the Connecticut Freedom of Information Act, and Conn. Gen. Stat. § 1-200 et seq. As a brain injury survivor, stroke survivor, and founder of ABI Resources, a company providing disability support services.

Expedited Processing Request:

The nature of this request is critical due to its direct connection with the legal case (David Medeiros v. State of CT, Department of Social Services, CHRO No. 2410220) and the Whistleblower Comprehensive Grievance reports concerning the ABI Waiver Program. Given these circumstances, I am requesting expedited processing.

Specific Information Requested:

To gain a thorough understanding of Mr. Slitt's involvement in the program, I request the following:

All legal cases, including lawsuits or administrative proceedings, relating to civil rights violations, disability discrimination, or whistleblower retaliation within these programs.

Complete records detailing Mr. Slitt's employment, roles, and responsibilities within the ABI Waiver Program as well as CHRO civil rights.

All written communications, including emails and memos, involving Ms. Slitt related to the program's operations.

Records of meetings, including minutes and notes, with Mr. Slitt's participation, pertinent to the program.

Reports, audits, or evaluations involving Mr. Slitt in the context of the program.

Records of Reports of any complaints, lawsuits, or grievances pertaining to civil rights or whistleblower retaliation.

From the first date of employment to the present day.

All grievances, complaints, whistleblower complaints, and retaliation complaints.

This request seeks access to records pertaining to all grievances, complaints, whistleblower complaints, and retaliation complaints. This includes any legal cases, lawsuits, or administrative proceedings related to civil rights violations, disability discrimination, or whistleblower retaliation within Connecticut's various state-managed programs

The records are critical for understanding the dynamics of interactions within these programs, especially in the context of civil disability rights and whistleblower protections. They are pivotal for informed advocacy and ensuring compliance with legal and ethical standards in these vital areas.

I specifically refer to the case of David Medeiros v. State of CT Department of Social Services (CHRO No. 2410220), in which I am directly involved. This case underlines the urgent need for transparency and accountability within state-managed disability support programs. Given the direct connection of this request to the following

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- Farley Santos - District 109, Democratic
- Bob Godfrey - District 110, Democratic
- Aimee Berger-Girvalo - District 111, Democratic
- Tony Scott - District 112, Republican
- Jason Perillo - District 113, Republican
- Mary Welander - District 114, Democratic
- Vacant - District 115
- Treneé McGee - District 116, Democratic
- Charles Ferraro - District 117, Republican

- Frank Smith - District 118, Democratic
- Kathy Kennedy - District 119, Republican
- Laura Dancho - District 120, Republican
- Joe Gresko - District 121, Democratic
- Ben McGorty - District 122, Republican
- David Rutigliano - District 123, Republican
- Andre Baker - District 124, Democratic
- Tom O'Dea - District 125, Republican
- Fred Gee Jr. - District 126, Democratic
- Marcus Brown - District 127, Democratic
- Christopher Rosario - District 128, Democratic
- Steven Stafstrom - District 129, Democratic
- Antonio Felipe - District 130, Democratic
- David Labriola - District 131, Republican
- Michael Leeper - District 132, Democratic
- Cristin Vahey - District 133, Democratic
- Sarah Keitt - District 134, Democratic
- Anne Hughes - District 135, Democratic
- Jonathan Steinberg - District 136, Democratic
- Kadeem Roberts - District 137, Democratic
- Rachel Chaleski - District 138, Republican
- Kevin Ryan - District 139, Democratic
- Travis Simms - District 140, Democratic
- Tracy Marra - District 141, Republican
- Lucy Dathan - District 142, Democratic
- Dominique Johnson - District 143, Democratic
- Hubert Delany - District 144, Democratic
- Corey Paris - District 145, Democratic

- David Michel - District 146, Democratic
- Matt Blumenthal - District 147, Democratic
- Anabel Figueroa - District 148, Democratic
- Rachel Khanna - District 149, Democratic
- Steve Meskers - District 150, Democratic
- Hector Arzeno - District 151, Democratic

As well as communication with recognized esteemed organizations.

National and International Organizations:

- American Association of People with Disabilities (AAPD)
- The Consortium for Citizens with Disabilities (CCD)
- Disability Rights Education and Defense Fund (DREDF)
- Disabled in Action (DIA)
- Equip for Equality
- National Disability Rights Network (NDRN)
- National Council on Independent Living (NCIL)
- Disability Rights Advocates (DRA)

National Whistleblower / Retaliation Advocates

- Government Accountability Project (GAP)
- The Whistleblower Project
- ExposeFacts
- Freedom of the Press Foundation
- National Whistleblower Center
- Project On Government Oversight (POGO)

- Public Employees for Environmental Responsibility (PEER)
- Whistleblower Aid

News Media Outlets and Journalists:

Reporters Committee for Freedom of the Press, The New York Times, The Washington Post The Associated Press (AP), ProPublica, The Wall Street Journal, National Public Radio (NPR) Reuters, CNN, BuzzFeed News, VICE News, Fox News, NBC, MSNBC etc.

Reason for Expedition and Personal Circumstances:

As a survivor of a brain injury and stroke, my condition necessitates prompt access to the requested information. The nature of my disabilities can sometimes impose barriers to effective self-advocacy and communication. Timely access to these records is not just a matter of legal right but also a critical component of my ability to manage and respond to the challenges posed by my disabilities.

The potential delay in receiving this information could significantly impact my ability to effectively advocate for myself and others in similar situations. The information requested is crucial for ensuring that rights are not just upheld but actively protected, particularly in the context of disability support and advocacy.

Under the FOIA, there is provision for expedited processing when the person requesting the information demonstrates a compelling need. According to the FOIA, a compelling need is defined as a situation where failure to obtain the requested records could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. In my case, while there may not be an immediate physical threat, the lack of timely information significantly impairs my rights and advocacy efforts, which are essential for my wellbeing and that of others who rely on my support and expertise.

Therefore, I kindly request that my FOIA application be processed on an expedited basis, in recognition of these factors. Your prompt attention to this request would be greatly appreciated and would support my ongoing efforts to champion the rights and needs of individuals with disabilities.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information.

Communication Accommodations:

Due to my personal circumstances, including living with a brain injury and being a stroke survivor, I find electronic forms of communication are more effective for my full participation and understanding. These methods allow me to better process, comprehend, and reference the details of our interactions. I kindly request that all communications regarding this FOIA request, including any acknowledgments, updates, or responses, be directed to me via email or written correspondence.

Your cooperation in this regard is not only a legal compliance matter but also an acknowledgment of the accommodations necessary for effective communication and information access.

A prompt and detailed response to this request is essential for the transparent and accountable functioning of the Connecticut Medicaid ABI Waiver Program. Your attention to this matter will significantly contribute to ongoing advocacy self advocacy efforts and policy analysis in this critical area of public health and disability support.

Thank you for your prompt attention to this request.

Best regards,
David Medeiros
David Medeiros
ABI Resources, CEO, Director, Team Member
Medicaid Acquired Brain Injury ABI Waiver Program Support Provider.



STATE OF CONNECTICUT



*AUDITORS' REPORT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
FISCAL YEARS ENDED JUNE 30, 2017 AND 2018*

AUDITORS OF PUBLIC ACCOUNTS
JOHN C. GERAGOSIAN ❖ ROBERT J. KANE

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September 29, 2020
EXECUTIVE SUMMARY

In accordance with the provisions of Section 2-90 of the Connecticut General Statutes, we have audited certain operations of the Commission on Human Rights and Opportunities (CHRO). The objectives of this review were to evaluate the commission's internal controls; compliance with policies and procedures, as well as certain legal provisions; and management practices and operations for the fiscal years ended June 30, 2017 and 2018.

The key findings and recommendations are presented below:

Page 12	The CHRO case tracking system does not effectively, efficiently, and reliably support CHRO in its mission. This is due to design limitations, inadequate maintenance, and unreliable information. CHRO should prioritize the replacement of its Case Tracking System and increase its information technology capabilities to enhance operational effectiveness and efficient use of its resources. (Recommendation 4.)
Page 10	The CHRO Office of Public Hearings (OPH) operated with only 2 of the 3 statutorily-required human rights referees since December 2015. Furthermore, one full-time employee performs all of the office's administrative duties. As of April 22, 2020, OPH has 269 hearings scheduled through August 2021. The office also lacks an adequate case tracking system. CHRO should continue to request the appointment of the vacant human rights referee position. In addition, the commission should consider whether the Office of Public Hearings needs additional support, including the acquisition of a case management system. (Recommendation 3.)

STATE OF CONNECTICUT



AUDITORS OF PUBLIC ACCOUNTS

JOHN C. GERAGOSIAN

State Capitol
210 Capitol Avenue
Hartford, Connecticut 06106-1559

ROBERT J. KANE

September 29, 2020

AUDITORS' REPORT

We have audited certain operations of the Commission on Human Rights and Opportunities in fulfillment of our duties under Section 2-90 of the Connecticut General Statutes. The scope of our audit included, but was not necessarily limited to, the years ended June 30, 2017 and 2018. The objectives of our audit were to:

1. Evaluate the commission's internal controls over significant management and financial functions;
2. Evaluate the commission's compliance with policies and procedures internal to the department or promulgated by other state agencies, as well as certain legal provisions; and
3. Evaluate the effectiveness, economy, and efficiency of certain management practices and operations, including certain financial transactions.

Our methodology included reviewing written policies and procedures, financial records, minutes of meetings, and other pertinent documents; interviewing various personnel of the commission, as well as certain external parties; and testing selected transactions. We obtained an understanding of internal controls that we deemed significant within the context of the audit objectives and assessed whether such controls have been properly designed and placed in operation. We tested certain of those controls to obtain evidence regarding the effectiveness of their design and operation. We also obtained an understanding of legal provisions that are significant within the context of the audit objectives, and we assessed the risk that illegal acts, including fraud, and violations of contracts, grant agreements, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions.

We conducted our audit in accordance with the standards applicable to performance audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform our audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides such a basis.

The accompanying Résumé of Operations is presented for informational purposes. This information was obtained from various available sources including, but not limited to, the

commission's management and the state's information systems, and was not subjected to the procedures applied in our audit of the commission. For the areas audited, we identified:

1. Deficiencies in internal controls;
2. Apparent noncompliance with policies and procedures or legal provisions; and
3. Need for improvement in management practices and procedures that we deemed to be reportable.

The State Auditors' Findings and Recommendations in the accompanying report presents any findings arising from our audit of the Commission on Human Rights and Opportunities.

COMMENTS

FOREWORD

The Commission on Human Rights and Opportunities (CHRO) operates primarily under the provisions of Chapter 814c, Sections 46a-51 through 46a-104 of the General Statutes. Its principal duty is to enforce state laws prohibiting discrimination in employment, housing, credit, and public accommodations through civil and human rights law enforcement. CHRO processes discrimination complaints through case assessment review, mediation, investigation, conciliation, prosecution, and adjudication. As part of its mission, CHRO acts as an advocate and provides education and outreach. It also enforces affirmative action laws and state agency contract compliance. CHRO functions through a central office in Hartford and 4 regional offices in Hartford, Norwich, Bridgeport, and Waterbury.

In a typical fiscal year, over 3,000 complaints are filed with the commission. About 83% of complaints relate to employment, about 8% housing, and the remainder involve service, credit, and public accommodation. As of June 30, 2018, CHRO had 2,702 open cases.

CHRO also reviews state agency affirmative action plans, in accordance with Section 46a-68 of the General Statutes. In fiscal year 2017-2018, the commission reviewed 37 plans, approving 29 of them. The commission conditionally approved six plans and disapproved two. In accordance with Section 46a-68a of the General Statutes, the commission may issue a certificate of noncompliance if it disapproves the affirmative action plan. The issuance of a certificate of noncompliance bars the agency from filling a position or position classification by hire or promotion until the commission deems the agency is in compliance. If the agency has achieved compliance, the commission withdraws the certificate of non-compliance.

Furthermore, CHRO annually monitors millions of dollars of state contracts for statutory compliance. CHRO reviews affirmative action and set aside plans of contractors doing business with state agencies. Thus, CHRO is responsible for ensuring equity and opportunity for small and

minority business enterprises throughout the state of Connecticut, including those owned by women, ethnic minorities, and people with disabilities.

Members and Officials of the Commission on Human Rights and Opportunities

Pursuant to Section 46a-52 of the General Statutes, the Commission on Human Rights and Opportunities consists of 9 members. The Governor appoints 5 members for 5-year terms. The Governor appoints one of the commissioners as the chairperson. The president pro tempore of the Senate, the minority leader of the Senate, the speaker of the House of Representatives, and the minority leader of the House of Representatives each appoint one member for a 3-year term. The commissioners serve without pay, but receive compensation for reasonable expenses in the course of serving on the commission. As of June 30, 2018, the following members served on the commission:

Cherron Payne, Chairperson
Edward Mambruno
Lisa B. Giliberto
Andrew M. Norton
Nicholas Kapoor
Edith M. Pestana
Joseph M. Suggs Jr.
Dr. Shuana K. Tucker

One vacancy.

Cherron Payne was appointed chairperson on January 22, 2016 and continues to serve in that capacity.

Tanya A. Hughes, Esq. was appointed executive director to a 4-year term on November 13, 2013 and reappointed for another 4-year term on September 13, 2017. Cheryl Sharp, Esq. was appointed deputy director, effective July 4, 2014.

Martin Luther King Jr. Holiday Commission

Section 10-29b of the General Statutes established the Martin Luther King Jr. Holiday Commission (MLK Jr. Commission) to ensure that the commemoration of Martin Luther King Jr.'s birthday is meaningful and reflective of the spirit of his life and death. The MLK Jr. Commission consists of 19 members, 11 members appointed by the Governor and 8 members by the General Assembly leadership. CHRO serves as the secretariat and consultant for the MLK Jr. Commission. As of June 30, 2018, the following members served on the MLK Jr. Commission:

James O. Williams, Chairperson	Carol Anderson
Donna Campbell	Sweets S. Wilson
Darryl A. Hugley	Diane Paige' Blondet
Diane Jones	Regina V. Roundtree
Diane Lucas	

There were 10 vacancies on the MLK Jr. Commission as of June 30, 2018.

Human Rights Referees

Section 46a-57 of the General Statutes allows the Governor to appoint 3 human rights referees, with the advice and consent of both houses of the General Assembly, to conduct settlement negotiations and authorized hearings. Human rights referees serve 3-year terms. The executive director designates one human rights referee to serve as the chief human rights referee for a one-year term. As of June 30, 2018, the following persons served as human rights referees within the CHRO Office of Public Hearings (OPH):

Michele C. Mount, Chief Human Rights Referee
Elissa Wright
(Vacancy)

The Office of Public Hearings provided us with a spreadsheet it uses to track its cases. As of July 16, 2019, there were 123 open cases. According to the calendar on the OPH website, as of June 25, 2019, OPH scheduled cases into March 2020 for public hearing/trials, pre-hearing conferences, or other types of proceedings. As of April 22, 2020, OPH scheduled 269 hearings through August 2021.

Significant Legislation

Public Act 16-16, effective May 6, 2016, required CHRO to create a one-page form on housing discrimination and federal and state fair housing laws by July 1, 2016 and post the form on its website. The “disclosure form” must be (1) in plain language and an easily readable and understandable format and (2) reviewed and updated by CHRO as necessary. Beginning 60 days after CHRO posted the form, anyone selling, leasing with the option to buy, or exchanging a residential property with a least two units must, at the time of closing, attach a copy of the disclosure form, signed by the prospective purchaser, to the purchase agreement, option, or lease containing a purchase option.

Public Act 17-118, effective October 1, 2017, expanded the employment protections provided to pregnant women under the state’s anti-discrimination law. It required employers to provide a reasonable workplace accommodation for a pregnant employee or applicant, unless the employer demonstrates that accommodation would be an undue hardship. The act also prohibited employers from (1) limiting, segregating, or classifying an employee in a way that would deprive women of employment opportunities due to pregnancy or (2) forcing a pregnant employee or applicant to accept a reasonable accommodation if unnecessary. It also eliminated certain employment protection provisions related to transfers to temporary positions for pregnant workers. The act also required (1) employers to notify employees of their rights under the act and (2) CHRO to develop instruction courses and conduct ongoing public education efforts to inform employers, employees, employment agencies and job seekers about their rights and responsibilities under the act.

Memorandum of Understanding with the Department of Labor

The Commission on Human Rights and Opportunities was assigned to the Department of Labor (DOL) for administrative purposes only, effective July 1, 2012. CHRO and DOL signed a memorandum of understanding (MOU) in late 2012 that specifies the parties' responsibilities. DOL is responsible for CHRO's human resources, affirmative action, and business office functions. CHRO retains certain other responsibilities. The MOU remains in effect while CHRO is under DOL for administrative purposes only.

RÉSUMÉ OF OPERATIONS**General Fund and Other Fund Receipts and Expenditures**

General Fund and Other Restricted Accounts Fund receipts totaled \$1,811,304 and \$1,913,710 for the fiscal years ended June 30, 2017 and 2018, respectively, as compared to \$1,443,218 for the fiscal year ended June 30, 2016. Receipts consisted primarily of federal aid received under cooperative agreements with the Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC). Under these agreements, CHRO receives a fixed fee for each HUD and EEOC case, up to a maximum number of cases each fiscal year. These receipts go into the state's General Fund. Receipts increased in fiscal year 2016-2017 due to CHRO processing more cases.

CHRO also received federal EEOC and HUD funds for travel, training, administrative costs, special enforcement efforts, and other purposes. These grant receipts totaled \$107,300 and \$87,230, for the fiscal years ended June 30, 2017 and 2018, respectively.

The Office of Public Hearings closed 77 and 59 discrimination cases, during the fiscal years ended June 30, 2017 and 2018, respectively. The Office of Public Hearings also conducts hearings into whistleblower retaliation cases filed pursuant to Section 4-61dd of the General Statutes. The Office of Public Hearings closed 11 and 14 cases, during the fiscal years ended June 30, 2017 and 2018, respectively.

A summary of General Fund expenditures for the fiscal years ended June 30, 2017, and 2018, is presented below (the fiscal year ended June 30, 2016 is provided for comparative purposes):

	Fiscal Years Ended June 30,		
	2016	2017	2018
Personal Services	\$6,154,994	\$5,817,720	\$5,566,418
Other Expenses	318,292	307,671	258,765
MLK Jr. Commission	4,582	4,656	3,331
Total General Fund	\$6,477,868	\$6,130,047	\$5,828,514

Total expenditures primarily decreased due to a reduction in filled paid positions during the audited period. The commission filled 76 paid positions as of June 30, 2016. As of June 30, 2017,

those positions decreased to 66 following several retirements and other separations. Filled positions increased slightly to 68 as of June 30, 2018.

Capital Equipment Purchase Fund expenditures totaled \$749, \$142,638, and \$0 for the fiscal years ended June 30, 2016, 2017, and 2018, respectively. The increase in fiscal year 2016-2017 was due to an upgrade of the agency's information technology equipment.

Federal and Other Restricted Accounts Fund expenditures totaled \$41,954, \$94,209, and \$103,235 for the fiscal years ended June 30, 2016, 2017, and 2018, respectively. The increase is substantially due to the increase in personal services costs under Fair Housing Assistance.

OTHER MATTERS

In prior audits, we reported that position vacancies had a negative impact on the commission's operation. As of June 30, 2018, CHRO (not including the Office of Public Hearings) had 61 (out of 79 authorized) full-time filled paid positions. Two regional manager positions were vacant during the audited period. Human Rights and Opportunities (HRO) Representatives investigate complaints of alleged discrimination, and work primarily in the regional offices. In any given fiscal year, HRO Representatives comprise approximately half of the commission's total workforce. As of June 30, 2018, CHRO filled 33 out of 41 authorized HRO Representative positions. Also, the Managing Director/Commission Attorney position has been vacant since July 1, 2013. CHRO "red circled" 5 additional vacant positions (Administrative Assistant, Secretary 1, Office Assistant, and 2 HRO Assistant Commission Counsel 1) Red Circled means that an agency is phasing out the job title and will no longer place employees under that title. It is critical that CHRO fills these vacant positions to return to a level of staffing of a few years ago.

STATE AUDITORS' FINDINGS AND RECOMMENDATIONS

Our review of the Commission on Human Rights and Opportunities for fiscal years ended June 30, 2017 and 2018 noted the following conditions:

CHRO – Meeting and Attendance Issues

Criteria: Section 46a-52 of the General Statutes requires the Commission on Human Rights and Opportunities to consist of 9 members. The Governor appoints 5 members. The president pro tempore of the Senate, minority leader of the Senate, speaker of the House of Representatives, and minority leader of the House of Representatives each appoint one member.

Section 1-225(b) requires each public agency of the state to file a schedule of its regular meetings for the ensuing year to the office of the Secretary of the State no later than January 31 of each year.

Regulations of State Agencies Section 46a-54-3a (b) indicates that Robert's Rules of Order shall govern the commission in all cases to which they are applicable and in which they are not inconsistent with other agency regulations. Robert's Rules of Order, which is generally used as conventional guidance for conducting meetings, provide that minutes of meetings should be signed by a designated representative to indicate that they have been formally approved.

Condition: The commission had one long-standing vacancy for a member appointed by the President Pro Tempore of the Senate. It has been vacant since January 2017. Furthermore, the commission did not have 2 members' current appointment letters on file.

The commission did not submit its annual meeting schedule to the Office of the Secretary of the State for 2017 and 2018.

The commission's designated representative did not sign meeting minutes as approved and final.

Context: The commission had monthly meetings through the audited period.

Effect: The commission's effectiveness may be hindered without a full complement of members.

The absence of the submission of the annual schedule of commission meetings to the Secretary of the State did not comply with the Freedom of Information Act and may preclude attendance by the public.

It is questionable whether meeting minutes are final without the designated official's signed approval.

Cause: It appears that the commission's administration was not aware of these issues.

Prior Audit Finding: This finding has not been previously reported.

Recommendation: The Commission on Human Rights and Opportunities should comply with Sections 46a-52 and 1-225 of the General Statutes and Section 46a-54-3a (b) of the Regulations of State Agencies regarding commission membership, meeting schedules, and meeting minutes. (See Recommendation 1.)

Agency Response:

"We disagree. The Commission submits an annual schedule of commission meetings to the Office of Legislative Management. Typically, the Administrative Assistant to the Executive Director will provide the information for our Commission meetings to the Office of the Legislative Management of the CT General Assembly to secure the space for the calendar year. She was assigned this responsibility after the Legislative Analyst position was vacated due to retirement in 2015. This position remained vacant for years. With respect to the posting of the agenda to SOTS (the Secretary of State), that has occurred monthly. Per the Executive Secretary, she was not aware that she needed to provide the entire calendar, nor was she aware of how to do so. She only received instructions about monthly posting. This has since been corrected. The Commissioners vote on the annual calendar and this information is forwarded to CGA, Office of Legislative Management. The Commission will submit all future notices of the calendar of Commission meetings to the Secretary of State in accordance with relevant statutory provisions. Future submissions of meetings minutes will be signed henceforth.

The Administration is aware that we must file a calendar of Commission meetings with the Secretary of State. As such, the Commissioners of the Agency vote on the calendar and the calendar is thereafter filed. Further, the Secretary of the State has consistently been notified of the Commission's monthly meetings every month within a minimum of 24 hours of the meeting, in accordance with either regulatory or statutory provisions."

Auditors' Concluding Comment:

While the commission claims to notify the Secretary of the State of its monthly meetings, it still did not comply with Section 1-225 of the

General Statutes. The commission did not submit the annual commission meeting schedules for 2017 and 2018.

Martin Luther King, Jr. Holiday Commission – Noncompliance with Governing Statutes

Criteria: Section 10-29b of the General Statutes established a Martin Luther King, Jr. Holiday Commission, consisting of 19 members appointed by the Governor and leaders of the general assembly, with vacancies to be filled by the appointing authority. The commission meets as often as deemed necessary by the chairperson or a majority of the commission. The Commission on Human Rights and Opportunities serves as secretariat and consultant to the commission.

The commission shall: (1) ensure that the commemoration of the birthday of Dr. Martin Luther King, Jr. in the state is meaningful and reflective of the spirit with which he lived and the struggles for which he died, (2) maintain a clearinghouse of programs and activities relating to the observance and promotion of such birthday in the state, (3) cooperate with the Martin Luther King, Jr. Federal Holiday Commission, community organizations and municipalities in the state, (4) develop and implement programs and activities for the state as it deems appropriate, and (5) not later than September first, annually, submit to the Governor a report on its findings, conclusions, proposals and recommendations for the observance of such birthday in the following January.

Condition: The Martin Luther King, Jr. Holiday Commission did not meet during the audited period. According to the CHRO website (as of April 22, 2020), there were 7 commission vacancies. The commission only had appointment letters available for 6 members whose terms expired during the audited period.

The commission did not meet its annual reporting requirement to the Governor.

In December 2016, the Martin Luther King, Jr. Holiday Commission legally changed its status to a charitable corporation. The commission paid the legal and filing fees associated with its incorporation and the application for tax-exempt status with state funds through CHRO. This occurred without legislative authorization.

Effect: The absence of meetings during the audited period inhibited the commission's effectiveness and contributed to the lack of annual reporting to the Governor.

Changing the commission's status to a charitable corporation does not appear permissible under the existing statute.

Cause: Inactive membership was provided, in part, as a reason for the condition.

Prior Audit Finding: This finding has not been previously reported.

Recommendation: The Martin Luther King, Jr. Holiday Commission, with guidance from the Commission on Human Rights and Opportunities, should ensure compliance with Section 10-29b of the General Statutes. The commission should seek clarification from the General Assembly whether it was authorized to change its status to a charitable corporation. (See Recommendation 2.)

Agency Response – MLK Jr. Holiday Commission:

“The State of CT Dr. Martin Luther King Jr. Holiday Commission was chaired by a former chairperson for the years of 2017 and 2018. The current chairperson, who was a Commissioner during that time, does not have access to the information being requested. The former chair was seriously ill for several years and subsequently died, therefore, the MLK Commission is unable to provide pertinent documents for the auditor's report. However, aside from the former chairperson, the current chairperson was the only appointed Commissioner appointed during that time. All of the other Commissioners either resigned or their terms expired. There were three individuals who were waiting to be appointed during this period, but they were not appointed until 2019. In 2019, the current chairperson was appointed Chair of the Dr. Martin Luther King Jr Holiday, Commission and has committed, moving forward, to provide all of the information that may be needed.”

Office of Public Hearings – Noncompliance with Statutory Composition and Operating Issues

Background: The Commission on Human Rights and Opportunities Office of Public Hearings (OPH) is responsible for scheduling and conducting all phases of the public hearing process in contested discrimination cases under the commission's jurisdiction and in certain types of whistleblower retaliation cases. Within OPH, the chief human rights referee administers the operations of the unit and assigns cases to two human rights referees. All of the referees are gubernatorial appointees, subject to legislative approval, who function independently from the rest of the commission. Human rights referees serve full time and conduct settlement negotiations and hearings as authorized by statute.

<i>Criteria:</i>	Section 46a-57 (a)(2)(E) of the General Statutes requires that on and after July 1, 2011, there shall be three human rights referees who shall (i) be appointed by the Governor with the advice and consent of both houses of the General Assembly, and (ii) serve for a term of 3 years. Good business practices suggest that the Office of Public Hearings should conduct the administrative hearing process within a reasonable time. Good business practices also suggest that OPH should establish a case management system to provide an effective and efficient means to schedule and administer cases.
<i>Condition:</i>	During most of the audited period (and through the date of our audit), OPH operated with only 2 of the 3 statutorily-required human rights referees. It takes 3 human rights referees (one of whom serves as the chief referee) to operate the office. In addition to the human rights referees, OPH operates with just one full-time employee who performs all of the office's administrative duties. In that employee's absence, the human rights referees perform those duties. This can be problematic, as OPH must avoid the potential of ex-parte communications. A review of the OPH website shows that as of April 22, 2020, OPH had 269 hearing events scheduled through August 2021. OPH lacks an adequate case tracking system. It currently performs case tracking manually through case file notations and a basic Excel spreadsheet.
<i>Context:</i>	Funding for the OPH operation resides within CHRO's budget.
<i>Effect:</i>	Human rights referee vacancies result in longer delays in public hearing scheduling. In some instances, human rights referees who did not preside at the public hearing must conduct settlement conferences. This vacancy complicates the scheduling of these settlement conferences. The absence of an adequate case tracking system yields inefficient management of OPH cases.
<i>Cause:</i>	The commission informed us that the Office of the Governor has been unable to attract candidates for the vacancies due to the limited salary range.

The lack of an adequate case management system appears to be due to the lack of financial resources.

Prior Audit Finding: This finding has been previously reported in the last audit report covering the fiscal years ended 2013, 2014, 2015 and 2016.

Recommendation: The Commission on Human Rights and Opportunities should continue to request the appointment of the vacant human rights referee position. In addition, the commission should consider whether the Office of Public Hearings needs additional support, including the acquisition of a case management system. (See Recommendation 3.)

Agency Response – CHRO:

“The Commission agrees that it is under-resourced and is fully aware of the need for additional resources and has made numerous attempts to secure funding. The Commission needs to be fully funded. The Office of Public Hearings does need a separate case management system and the CHRO needs to be provided with the funds in order to address the needs of the Office of Public Hearings. The Commission has included the Office of Public Hearings in all IT considerations.

The Commission agrees that a separate case management system for the Office of Public Hearings would be beneficial to the Agency and to the stakeholders of the Agency.”

Agency Response – OPH:

“We do not control or have any input into our budgetary line. We would like the opportunity to request, in addition to the third referee, a separate case management system and a law clerk or paralegal. Further, we would like confirmation that a salary for a third referee, a case management system and support staff is put into the CHRO budget request.”

Inadequate Case Tracking System

Background:

The Commission on Human Rights and Opportunities utilizes its Case Tracking System (CTS) to monitor cases reviewed through its complaint resolution process. CTS supports a staff of 74 investigators, attorneys, administrative assistants, and executive staff in annually processing an average of 2,500 cases. While most cases are resolved within a year, more complex cases could remain outstanding for up to 5 years. However, we noted 24 cases were outstanding for more than 10 years.

<i>Criteria:</i>	Good business practices dictate that an organization should have an information system capable of supporting management's direction and monitoring of operations to provide timely and reliable information for decision-making and corrective action.
<i>Condition:</i>	CTS does not effectively, efficiently and reliably support the CHRO management in its mission. This is due to design limitations, inadequate maintenance, and unreliable information. We observed the following: • The CTS design does not have adequate data structure and edit controls to assure the accurate input of critical data. This includes data such as complainant name, respondent, federal case identification number, and to capture critical information for case monitoring and trend assessment. • CHRO cannot rely on CTS to produce accurate internal management and statutorily-required reports. Instead, regional offices must compile and augment the data before submitting it to the central office for the development of an agency level summary. • At the time of a major system modification in 2015, the Department of Administrative Services – Bureau of Enterprise Systems and Technology (DAS-BEST) deactivated 9,536 (out of a total of 35,888) older closed case records from CTS without consulting CHRO management on the effect of this decision or the manner of its implementation. • Our review of initial case information input into CTS determined that a delay of more than 1 week to input such data has increased over the past 8 years from a low of 12% of cases to 60%. This significant increase in delay occurred coincident with significant staff reductions in 2016.
<i>Context:</i>	From 2003 through the date of our audit, CHRO recorded 35,888 cases on its case tracking system.
<i>Effect:</i>	The system's inadequate design impairs management's ability to maintain reliable information to manage internal operations. It also makes it more difficult to monitor caseloads for trends that can be more efficiently addressed with regulation, surveillance, and training. The Department of Administrative Services – Bureau of Enterprise Systems and Technology decision to deactivate 25% of CHRO's case history records without consulting CHRO senior management raises a question regarding clarity of system management responsibility between the two organizations. However, CHRO is ultimately responsible for the operational integrity of the system and the integrity of its data in fulfilling its statutory mandates.

<i>Cause:</i>	CHRO lacks a staff member trained in information technology who is capable of supporting the commission's contemporary information needs related to CTS, CTS-supporting desktop applications, and other operations. In absence of this staffing resource, CHRO appears to have accepted the system's limitations as well as possible work around for them. This resulted in evolving inefficiencies that are likely significant to the senior management's productivity.
<i>Prior Audit Finding:</i>	This finding has not been previously reported.
<i>Recommendation:</i>	The Commission on Human Rights and Opportunities should continue to prioritize the replacement of its Case Tracking System and increase its information technology capabilities to enhance operational effectiveness and efficient use of its resources. (See Recommendation 4.)
<i>Agency Response:</i>	"The Commission has made replacement of the Case Tracking System a priority and has prepared a draft application for funding for the purchase of a new complaint tracking system. In the early 2000s, when the business office within the CHRO was dismantled, the CHRO was supposed to be fully supported by the Department of Administrative Services, Bureau of Enterprise Systems and Technology (DAS/BEST). The CHRO does not have any trained technical professionals within its employ and has been forced to rely on the limited technical knowledge of a few staff persons who are not employed by the Agency to provide technical support. The CHRO has not been funded to hire a staff person with expertise in technical support. The Case Tracking System that is being used by the Agency was developed and designed by DAS/BEST. DAS/BEST provides the Commission on Human Rights and Opportunities with technical support due to layoffs in early 2000 that resulted in the dismantling of the business office within the Agency. CHRO has never had those positions returned through appropriations, although the agency has made numerous appeals to the legislature and governor's office regarding the need. Again, the Commission has most certainly given priority to the development of a complaint tracking system. CHRO has prepared a draft of an application for state funds to purchase a complaint tracking system and has been actively working with DAS to develop and submit that application. It is a timely process that is not under the agency's control."

Affirmative Action Plans – Incapacity to Support Electronic Submission

<i>Background:</i>	All state agencies, boards and commissions employing 25 or more full-time employees are required to file an affirmative action plan with the Commission on Human Rights and Opportunities to achieve equal employment opportunity within their agencies. These plans must be submitted on a semi-annual, annual or biennial cycle, depending on the reporting cycle of the particular agency.
<i>Criteria:</i>	Section 46a-68(c) of the General Statutes states that all affirmative action plans shall be filed electronically, if practicable.
<i>Condition:</i>	CHRO does not permit electronic filing of affirmative action plans, as allowed by statute.
<i>Context:</i>	An affirmative action plan for a major state agency can exceed 100 pages of significant tabular data. There are approximately 79 state agencies, as well as other boards and commissions, which may be subject to the reporting requirements.
<i>Effect:</i>	The inability to file electronically results in inefficient manual preparation, submission, and review of paper documents. This creates a burden on CHRO and the various reporting agencies' limited administrative resources. This could be mitigated with electronic filing capabilities that standardize input and centralize the data compilation to facilitate preparation.
<i>Cause:</i>	CHRO indicates that it does not have the resources to support the infrastructure necessary to electronically receive and process affirmative action plans. CHRO management applied for a pilot federal program to implement electronic plan preparation using a shared federal system platform, but was not selected.
<i>Prior Audit Finding:</i>	This finding has not been previously reported.
<i>Recommendation:</i>	The Commission on Human Rights and Opportunities should implement a platform for the electronic preparation and submission of state agency affirmative action plans. (See Recommendation 5.)
<i>Agency Response:</i>	"The CHRO would need to be fully funded to implement such a plan. The CHRO is underfunded and under resourced. The CHRO has explored entities that can provide this service, however additional, consistent funding would be required to implement and maintain this feature successfully."

Statutory Reporting Requirement Deficiencies

<i>Criteria:</i>	The Commission on Human Rights and Opportunities must comply with a number of statutory reporting requirements including the following: Section 4-9b(b) of the General Statutes requires the executive officer or chairperson of each state appointive board, commission, committee and council having members appointed by the Governor or the General Assembly to biennially report in writing to the Secretary of the State on or after September first, but no later than October 1 (1) the number of members of such body and (2) the composition of the body according to the term “race/sex”, as defined in the regulations of CHRO. Section 4a-60g (m) of the General Statutes requires CHRO to monitor the achievement of annual set-aside program goals established by each awarding agency and to prepare a quarterly report concerning such goal achievement. The report is to be submitted to each awarding agency that submitted a report, the Department of Economic and Community Development, the Department of Administrative Services and the General Assembly. Section 4d-7 of the General Statutes requires each agency to submit annually on or before August 1st, all plans, documents and other information requested by the Commissioner of Administrative Services for the development of the Information and Telecommunication Systems Strategic Plan.
<i>Condition:</i>	CHRO did not comply with certain statutory reporting requirements during the audited period.
<i>Effect:</i>	The intended recipients of the reports are not cognizant of certain data to make informed decisions.
<i>Cause:</i>	The commission acknowledged that there was a gap in reporting and that it was going through a transition to ensure that it meets its reporting requirements.
<i>Prior Audit Finding:</i>	This finding has not been previously reported
<i>Recommendation:</i>	The Commission on Human Rights and Opportunities should comply with its statutory reporting requirements. (See Recommendation 6.)
<i>Agency Response:</i>	“While the agency attempted to address issues from previous audits which cited a need to comply with reporting requirements and did so valiantly we have and will continue to address the need to be perfect.

As of June of 2018, the CHRO had 83 authorized positions and only 63 permanent full-time filled paid positions, despite repeated requests to refill critical positions within the agency. The decrease in the number of filled paid positions does not reflect the numerous, repeated efforts and multiple requests to refill critical positions within the agency. All requests were denied and affected our ability to perform optimally.”

Asset Management Issues

Background:

Under a memorandum of understanding between the Commission on Human Rights and Opportunities (CHRO) and the Department of Labor (DOL), DOL is responsible for entering assets into the Core-CT state accounting system; coordinating items for surplus; and preparing the Asset Management Report (CO-59). CHRO is responsible for approving the CO-59; managing the physical inventory; reconciling inventory records; identifying and recording missing items; completing and submitting signed CO-853 loss reports; and maintaining the software inventory.

Criteria:

Section 4-36 of the General Statutes requires state agencies to establish and maintain inventory records as prescribed by the Office of the State Comptroller. The agency must transmit a CO-59 to the State Comptroller and maintain its inventory in Core-CT. Only capitalized equipment should be reported on the CO-59, which should reconcile to the Core-CT inventory listing.

The State Property Control Manual requires each agency to maintain complete and accurate property records and establishes specific standards including:

- Agency software inventory listings should contain certain specified fields.
- Agencies should not report controllable property, which has a value of less than the \$5,000 capitalization threshold, on the CO-59.
- Agencies must conduct a complete physical inventory of all property by each fiscal year end.

Condition:

We noted the following asset management issues:

- CHRO did not adequately support CO-59 balances and activity by Core-CT for fiscal years 2016-2017 and 2017-2018.
- CHRO overstated CO-59 balances for 2016-2017 due to the inappropriate addition of \$139,428 in controllable property purchases.

- The Core-CT Asset Management module did not include \$121,194 in controllable property that CHRO purchased during the audited period and through December 2018.
- CHRO did not complete physical inventories during fiscal years 2016-2017 and 2017-2018 and did not perform a reconciliation of the CO-59 to inventory records.
- The agency's software inventory listing did not contain the required fields identified in the State Property Control Manual. Also, CHRO reported software inventory as a single item in Core-CT rather than as individual software items.

Context: CHRO reported a \$331,913 ending balance on the CO-59 for the fiscal year ended June 30, 2018.

Effect: When agencies inaccurately report assets and do not completely conduct and maintain complete inventory records, there is an increased risk of loss of state property.

Cause: In part, it appears that there was confusion whether CHRO or DOL was responsible to conduct the physical inventory.

Prior Audit Finding: This finding has not been previously reported.

Recommendation: The Commission on Human Rights and Opportunities should work with the Department of Labor to ensure compliance with asset management requirements in Section 4-36 of the General Statutes and the State Property Control Manual. (See Recommendation 7.)

Agency Response – CHRO:

“The Agency will work with the Department of Labor to resolve any Asset Management and Inventory issues. However, as stated previously, the Agency only employs attorneys, investigators, Managers and support staff. We do not have any business office, accounting or similar personnel. The functions discussed in this section were performed by the Department of Administrative Services when the Agency was APOed to them.”

Agency Response – DOL:

“We agree with the findings. The lack of accuracy is the result of the process being compromised due to staff reductions, human resource issues and inventory processing modifications. The Commissioner and appropriate staff have met with the State Auditors, as related to the DOL's overall approach to asset management, and reviewed conditions and solutions. As a result a corrective plan has been developed which will result in an accurate inventory being available by the close of FY 18/19. This corrective plan includes:

- upgrade of inventory scanning equipment
- (re)training of appropriate staff in inventory roles and responsibilities
- updated agency inventory manual and standard operating procedure manuals
- cleanout and disposal of surplus equipment throughout DOL's offices and warehousing facilities
- comprehensive statewide physical inventory scan
- establish controls to ensuring compliance with mandated inventory practices and reporting guidelines

The DOL understand the importance of an accurate inventory and is committed to doing what is required to correct this situation.”

Deficiencies in Revenue Recognition and Account Reconciliation

Background:

The Commission on Human Rights and Opportunities recorded revenue of \$1,803,100 and \$1,904,430 for fiscal years 2016-2017 and 2017-2018, respectively, from complaint settlement contracts with the federal Equal Employment Opportunity Commission (EEOC) and Department of Housing and Urban Development (HUD). These revenues constitute 99.5% of all CHRO's federal revenues and support 28.3% and 32.11% of the commission's expenditures for fiscal years 2016-2017 and 2017-2018 respectively.

CHRO receives fiscal management support from the Department of Labor (DOL) for administrative purposes only. While DOL is responsible for CHRO's accounting, the department needs and depends on CHRO operational information. Therefore, there must be mutual understanding and coordination between the agencies.

Criteria:

Proper accounting requires that management recognize revenues in the period they are earned to achieve a proper matching with related expenditures and provide an accurate measure of financial performance.

Effective accounting control requires that revenues earned be reconciled periodically with revenues received to detect billing errors or remittance by either party to the transaction.

Condition:

A review of federal grant revenue patterns during the audited period identified deficiencies in accounting practices for revenue recognition and reconciliation.

In most instances, revenue recognition occurred following the close of the federal fiscal year ending September 30, resulting in CHRO not

recording approximately 75% of the current year's revenue until the subsequent state fiscal year. Therefore, they did not match to current year expenditures.

We observed two instances in which the absence of an effective reconciliation process resulted in Equal Employment Opportunity Commission revisions, including a \$40,300 adjustment in state fiscal year 2016-2017 pertaining to federal fiscal year 2012, and a \$7,000 adjustment in state fiscal year 2017-2018 pertaining to federal fiscal year 2015.

The DOL Business Management Unit does not receive sufficient information from CHRO to effectively reconcile revenue earned with revenue recorded from contract payments. CHRO's internal process of monitoring EEOC payments does not constitute a complete reconciliation of annual contract activity and revenue received.

Context: The condition appears to be a systemic problem.

Effect: Untimely revenue recognition misrepresents relationships between each fiscal period's revenues and related expenditures. This is due to improper matching of revenues with the fiscal period in which they were earned.

Ineffective reconciliation processes impair the capacity to detect errors and seek timely correction. Although noted errors were not material, and the result of unique circumstances, they illustrate that errors can occur on a larger scale.

Cause: DOL does not possess the necessary information from CHRO to fulfill its financial management role.

Neither agency appears to have sufficient staffing to perform the additional accounting and reconciliation processes to ensure timely and accurate financial reporting and management.

Prior Audit Finding: There was no prior audit finding.

Recommendation: The Commission on Human Rights and Opportunities and the Department of Labor should jointly devise enhanced controls to improve the accuracy of revenue recognition and effectiveness of reconciliation processes. (See Recommendation 8.)

Agency Response – CHRO:

“The CHRO has established regular, quarterly meetings and will continue to work with the Department of Labor to address the issues

noted herein. However, the CHRO does not employ and has not received funding to employ any accountants. This is beyond the purview of our authority and would require multiple levels of approval. The CHRO is staffed with attorneys, investigators and support staff. The CHRO lost its independent business office on or about the early 2000s. The Agency has remained underfunded and under-resourced since that time, despite efforts to enhance and increase funding.”

Agency Response – DOL:

“DOL has created and maintains a spreadsheet to track CHRO’s payment requests to include balances available and coding information. DOL relies solely on contract information from CHRO.

DOL created a payment request form for CHRO to submit when requesting drawdowns in order to maintain consistency in drawdown efforts and account tracking. No drawdowns are completed without the completed signed contract in hand.

All drawdown request require back up information to support the request for funds.”

Accountability of Donations

Criteria:

Section 46a-54 of the General Statutes authorizes the Commission on Human Rights and Opportunities to receive donations.

Section 46a-89 defines the authority for CHRO to seek civil penalties for discriminatory practices in employment, housing and public accommodations through injunctive relief in Superior Court.

Proper accounting requires the classification of transactions according to the substance of the transaction and not its form.

A donation is defined as “the act by which the owner of a thing voluntarily transfers the title and possession of the same from himself to another person without consideration; a gift.”

Condition:

CHRO appears to have inappropriately designated funds from complaint case settlements as donations.

We tested 4 remittances totaling \$10,090 to complaint case settlement documentation and determined that all 4 payments were part of settlements negotiated with the respondents. The court of jurisdiction directed respondents to make payments to the Human Rights Education and Donation Account or CHRO Education and Outreach Fund.

CHRO directed the Department of Labor Business Management Unit, which administratively supports CHRO, to record the transactions in Core-CT without supporting documentation. DOL did not have the basis to question the accuracy of the accounting designation, nor the standards by which to assess the appropriateness of disbursements from a restricted fund.

Context: CHRO classified \$13,240 of collections as donations for fiscal years 2016-2017 and 2017-2018, of which \$5,091 was expended. These funds are classified as restricted funds.

Effect: The classification of the funds as donations is inappropriate.

CHRO's accounting of these settlements as donations directs them to a restricted fund without established policies for their authorized use. The creation of a restricted fund without collateral policies to define restricted use leaves it susceptible to misuse.

Cause: CHRO's executive management asserts that it consulted with the Office of State Ethics and received a verbal opinion that it is acceptable for the commission to recommend donations to its education fund in case settlements.

CHRO has been granted statutory authority to accept donations. However, it has chosen to misapply that authority to settlements awarded under civil judicial processes. Civil penalties and settlements administered through civil judicial processes have the same level of legal enforcement. Therefore, they are not donations in the generally recognized meaning of that term.

It appears that DOL has not received sufficient documentation to assess the substance of the transactions and determine their proper accounting treatment.

Prior Audit Finding: This finding has not been previously reported.

Recommendation: The Commission on Human Rights and Opportunities should discontinue its practice of pursuing donations through the settlement process under Section 46a-89 of the General Statutes. In addition, the commission should establish criteria for the use of the restricted Human Rights Education and Donation Account. (See Recommendation 9.)

Agency Response: "The Commission requested that the Department of Administrative Services (DAS) establish and maintain an account for the receipt of donation funds as authorized by statute. Thereafter, the Commission was APOed to the Department of Labor. The Commission has not been

funded to and currently has no independent accounting or business management unit or personnel. Instead, the Commission has an agreement with the Department of Labor to perform these functions on the CHRO's behalf. In that role, it is the Department of Labor, not the CHRO that has established the donations account, monitors account activity, and ensures the account's compliance with any and all relevant rules, regulations, and statutes.

To the extent the Commission is being faulted for including donations to this fund as part of a mutually agreed upon settlement agreement, the criticism is not supported by the law. These donations are explicitly authorized by statute. Conn. Gen. Stat. Section 46a-54(18) authorizes the Commission to enter into contracts for and accept grants of private or federal funds and to accept gifts, donations or bequests, including donations of service by attorneys. A settlement agreement is a form of contract to resolve pending litigation. Since the establishment of the donation fund years ago, the Commission has infrequently included a donation clause in settlement agreements pursuant to this statutory authority. The CHRO has appropriately designated funds to be deposited into its charitable contributions account. Contrary to the language in the draft, the CHRO has not inappropriately designated settlement funds as donations. The four examples of settlements referred to in the draft explicitly make clear that a donation is being made to the agency. A civil penalty can only be awarded by a judge after an adjudication. A settled case, even if settled in court cannot be designated as a civil penalty. The judge as an operation of Court procedure accepts the settlement of the case by the parties and closes the case pursuant to settlement. The Court does not award a civil penalty when a case is closed pursuant to settlement. The statutory provisions are very specific as it relates to a civil penalty.

As an agency we have received advice and guidance from the Ethics Office and the Office of the Attorney General regarding accepting donations. We have followed that guidance. The Agency interprets its own statute to provide for acceptance of donations. The Connecticut courts have ruled that the Agency's interpretation of its own statutes should be given deference and priority.

Further, the Agency is only a party to voluntary settlements. The Agency is not generally a party to binding arbitration when using its three party system. As such, any and all settlements in which the Agency is a party or the settlement is a matter of public record would be a voluntary settlement.

Contrary to the information contained in the draft report, there has been no inappropriate conduct. The settlement agreements that are referred

to clearly state that a donation is being made to the education or charitable donation account of the Agency.

The Commission agrees that it should establish guidelines for the use of the funds and will endeavor to do so.”

*Auditors’ Concluding
Comment:*

The donations cited in this finding were the result of court-approved settlements which terminated civil actions by the parties. As such, the donations were not truly voluntary, but were negotiated under the duress of a possible less favorable outcome in a civil trial.

Investigations Issue

Background:

The Department of Labor (DOL) provides human resource and payroll support services to the Commission on Human Rights and Opportunities in accordance with a memorandum of understanding. DOL’s responsibilities include conducting investigations of employee misconduct on behalf of CHRO management, which retains the responsibility for the disposition of matters brought to its attention.

Criteria:

An investigative process should assure a consistent methodology governed by applicable laws, regulations, and labor contract provisions. It should document the complaint’s process, conclusions and final disposition in order to provide evidence of a fair and consistent investigation.

The Administrative and Residual (P5) Unit Employee Service Rating form provides 5 employee evaluation rating levels: Excellent, Superior, Satisfactory, Fair and Unsatisfactory (Fair and Unsatisfactory are considered to be “less than good” ratings). The 5 factors subject to evaluation include: Quality of Work, Quantity of Work, Dependability, Ability to Deal with People, and Supervisory Ability.

Administrative and Residual (P-5) Bargaining Unit Contract, Article 10 - Service Ratings, Section 1 indicates that ratings of Fair in 2 categories and/or Unsatisfactory in one or more categories shall constitute an overall rating of “less than good”. An employee who has received a “less than good” rating should be counseled.

Condition:

Our review of investigations conducted during the audited period generally found the documentation to be thorough in justifying the DOL conclusions. However, in one instance, the investigation file did not include documentation of the final management action. CHRO prepared a counseling letter and sent it to the employee for signature. However,

the employee did not return it and CHRO did not submit a copy to DOL for the employee's personnel file.

Furthermore, the CHRO management's service ratings of "Excellent, Superior, and Satisfactory" for this employee for the investigation period and the following year, appear to show that CHRO management's action was inconsistent and insufficient with the evidence in the DOL investigation and CHRO counseling letter.

Context: DOL conducted 12 investigations during fiscal years 2016-2017 and 2017-2018. The department combined the investigations into 7 files as some pertained to the same subject employee.

Effect: A failure to document the final disposition of an investigation results in an incomplete record.

Insufficient management response to the complaints that initiated the investigation may negatively impact the performance of other employees.

Cause: There appears to be a lack of communication between CHRO and DOL with regard to the final disposition of investigations. CHRO management exercised poor judgement in conducting the employee's service ratings without adequate consideration of the investigation or counseling letter.

Prior Audit Finding: This finding has not been previously reported.

Recommendation: The Department of Labor should ensure that all investigations are adequately documented with complete records of evidence and final disposition. The Commission on Human Rights and Opportunities should ensure that final dispositions are consistent with investigatory evidence. (See Recommendation 10.)

Agency Response – CHRO:

"The record of the counseling was provided to the employee and signed by the employee. The request for a copy of the signed counseling was made during a period when the vast majority of agency staff was working remotely due to COVID-19 restrictions. As a result, the signed counseling memo was not provided to the Auditors as it is maintained in a supervisory file. The agency maintains that the counseling was adequate, sufficiently addressed the outlined concerns and discussed with Human Resources prior to being given to the employee. The incident in question did not negate the overall performance of that employee throughout the rest of the reporting year."

Agency Response – DOL:

“CT DOL concurs with the CHRO response.”

Auditors’ Concluding

Comment:

Management’s action does not appear to reflect the investigation and counseling matters. The investigation report identifies the employee’s pattern of behavior rather than one particular incident, and was not adequately reflected in the employee’s service rating. In addition, we did not find the resulting counseling letter in the employee’s personnel file.

RECOMMENDATIONS

Status of Prior Audit Recommendations:

Our prior audit report on the Commission on Human Rights and Opportunities contained 6 recommendations. Five have been implemented or otherwise resolved and 1 has been restated with modifications during the current audit.

- The Commission on Human Rights and Opportunities should prepare and submit all reports not previously submitted to the Judiciary Committee and the Governor in accordance with Section 46a-82e (b) of the General Statutes. The commission should also submit all future reports in a timely manner. **This recommendation has been resolved.**
- The Commission on Human Rights and Opportunities should comply with the reporting requirements of Section 46a-56 (a) (6) and Section 46a-68 (f) of the General Statutes, and submit the required Contract Compliance and Affirmative Action reports. **This recommendation has been resolved.**
- The Chairperson of the Commission on Human Rights and Opportunities should request that the Office of the Governor fill the vacant Human Rights Referee position. CHRO should consider whether the Office of Public Hearings needs additional support and review the feasibility of incorporating OPH cases into its case tracking system. **This recommendation is being modified and repeated. (See Recommendation 3.)**
- The Commission on Human Rights and Opportunities should promptly notify Core-CT security when employees separate from the agency so their accounts can be formally locked. **This recommendation has been resolved.**
- The Department of Labor should prepare the annual internal control self-assessment questionnaire required by the Office of the State Comptroller. The Commission on Human Rights and Opportunities should keep its questionnaires on file. **This recommendation has been resolved.**
- The Commission on Human Rights and Opportunities should comply with state personnel regulations and contracts when placing employees on paid administrative leave and should strengthen internal controls over voluntary leave. CHRO should seek guidance and approval from the State Retirement Commission when provisions of a proposed stipulated agreement have the potential to grant retirement benefits, (which are outside CHRO's authority) and should seek guidance and approval from the Office of Labor Relations (OLR) pertaining to stipulated agreements involving collective bargaining agreements, which OLR negotiates and administers. **This recommendation has been resolved.**

Current Audit Recommendations:

- 1. The Commission on Human Rights and Opportunities should comply with Sections 46a-52 and 1-225 of the General Statutes and Section 46a-54-3a (b) of the Regulations of State Agencies regarding commission membership, meeting schedules, and meeting minutes.**

Comment:

The commission had one long-standing vacancy, and did not have up-to-date appointment letters on file for two members. The commission did not submit its annual schedule of commission meetings to the Office of the Secretary of the State. The commission's designated representative did not sign meeting minutes as approved and final.

- 2. The Martin Luther King, Jr. Holiday Commission, with guidance from the Commission on Human Rights and Opportunities, should ensure compliance with Section 10-29b of the General Statutes. The commission should seek clarification from the General Assembly whether it was authorized to change its status to a charitable corporation.**

Comment:

The Martin Luther King, Jr. Holiday Commission did not meet during the audited period. There are 4 vacancies on the commission and appointment letters were only available for 6 members, all of which had terms expiring within the audited period.

The MLK Jr. Holiday Commission did not meet its annual reporting requirement to the Governor.

In December 2016, the MLK Jr. Holiday Commission had legally changed its status to a charitable corporation without legislative authorization.

- 3. The Commission on Human Rights and Opportunities should continue to request the appointment of the vacant human rights referee position. In addition, the commission should consider whether the Office of Public Hearings needs additional support, including the acquisition of a case management system.**

Comment:

The Office of Public Hearings (OPH) operated with only 2 of the 3 statutorily- required human rights referees since December 2015. Furthermore, one full-time employee performs all of the office's administrative duties. As of April 22, 2020, OPH has 269 hearings scheduled through August 2021. The office also lacks an adequate case tracking system.

- 4. The Commission on Human Rights and Opportunities should continue to prioritize the replacement of its Case Tracking System and increase its information technology capabilities to enhance operational effectiveness and efficient use of its resources.**

Comment:

The CHRO case tracking system does not effectively, efficiently, and reliably support CHRO in its mission. This is due to design limitations, inadequate maintenance, and unreliable information.

- 5. The Commission on Human Rights and Opportunities should implement a platform for the electronic preparation and submission of state agency affirmative action plans.**

Comment:

CHRO does not permit electronic filing of affirmative action plans, as allowed by statute.

- 6. The Commission on Human Rights and Opportunities should comply with its statutory reporting requirements.**

Comment:

CHRO did not comply with certain statutory reporting requirements during the audited period.

- 7. The Commission on Human Rights and Opportunities should work with the Department of Labor to ensure compliance with asset management requirements in Section 4-36 of the General Statutes and the State Property Control Manual.**

Comment:

Our reviews of asset management for the audited period noted that CHRO did not adequately support CO-59 balances and activity by Core-CT records, did not conduct physical inventories, and did not perform reconciliations between the CO-59 and inventory records. Also, CHRO's software inventory did not contain the required fields identified in the State Property Control Manual.

- 8. The Commission on Human Rights and Opportunities and the Department of Labor should jointly devise enhanced controls to improve the accuracy of revenue recognition and effectiveness of reconciliation processes.**

Comment:

We noted deficiencies in the accounting practices for revenue recognition and the effectiveness of revenue reconciliation.

- 9. The Commission on Human Rights and Opportunities should discontinue its practice of pursuing donations through the settlement process under Section 46a-89 of the General Statutes. In addition, the commission should establish criteria for the use of the restricted Human Rights Education and Donation Account.**

Comment:

CHRO inappropriately accounted for certain funds derived from complaint case settlements as donations. There is no established criteria for the use of the restricted Human Rights Education and Donation Account.

- 10. The Department of Labor should ensure that all investigations are adequately documented with complete records of evidence and final disposition. The Commission on Human Rights and Opportunities should ensure that final dispositions are consistent with investigatory evidence.**

Comment:

Documentation showing the final disposition of an investigation was lacking. In addition, the employee's service ratings did not appear to properly reflect the DOL investigation results or the subsequent CHRO counseling letter.

ACKNOWLEDGMENTS

The Auditors of Public Accounts would like to recognize the auditors who contributed to this report:

Dennis Collins
Sidney Gale

CONCLUSION

In conclusion, we wish to express our appreciation for the courtesies and cooperation extended to our representatives by the personnel of the Commission on Human Rights and Opportunities during the course of our examination.



Dennis Collins Jr.
Principal Auditor

Approved:



John C. Geragosian
State Auditor



Robert J. Kane
State Auditor

STATE OF CONNECTICUT



*AUDITORS' REPORT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
FISCAL YEARS ENDED JUNE 30, 2017 AND 2018*

AUDITORS OF PUBLIC ACCOUNTS
JOHN C. GERAGOSIAN ❖ ROBERT J. KANE

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September 29, 2020
EXECUTIVE SUMMARY

In accordance with the provisions of Section 2-90 of the Connecticut General Statutes, we have audited certain operations of the Commission on Human Rights and Opportunities (CHRO). The objectives of this review were to evaluate the commission's internal controls; compliance with policies and procedures, as well as certain legal provisions; and management practices and operations for the fiscal years ended June 30, 2017 and 2018.

The key findings and recommendations are presented below:

Page 12	The CHRO case tracking system does not effectively, efficiently, and reliably support CHRO in its mission. This is due to design limitations, inadequate maintenance, and unreliable information. CHRO should prioritize the replacement of its Case Tracking System and increase its information technology capabilities to enhance operational effectiveness and efficient use of its resources. (Recommendation 4.)
Page 10	The CHRO Office of Public Hearings (OPH) operated with only 2 of the 3 statutorily-required human rights referees since December 2015. Furthermore, one full-time employee performs all of the office's administrative duties. As of April 22, 2020, OPH has 269 hearings scheduled through August 2021. The office also lacks an adequate case tracking system. CHRO should continue to request the appointment of the vacant human rights referee position. In addition, the commission should consider whether the Office of Public Hearings needs additional support, including the acquisition of a case management system. (Recommendation 3.)

STATE OF CONNECTICUT



AUDITORS OF PUBLIC ACCOUNTS

JOHN C. GERAGOSIAN

State Capitol
210 Capitol Avenue
Hartford, Connecticut 06106-1559

ROBERT J. KANE

September 29, 2020

AUDITORS' REPORT

We have audited certain operations of the Commission on Human Rights and Opportunities in fulfillment of our duties under Section 2-90 of the Connecticut General Statutes. The scope of our audit included, but was not necessarily limited to, the years ended June 30, 2017 and 2018. The objectives of our audit were to:

1. Evaluate the commission's internal controls over significant management and financial functions;
2. Evaluate the commission's compliance with policies and procedures internal to the department or promulgated by other state agencies, as well as certain legal provisions; and
3. Evaluate the effectiveness, economy, and efficiency of certain management practices and operations, including certain financial transactions.

Our methodology included reviewing written policies and procedures, financial records, minutes of meetings, and other pertinent documents; interviewing various personnel of the commission, as well as certain external parties; and testing selected transactions. We obtained an understanding of internal controls that we deemed significant within the context of the audit objectives and assessed whether such controls have been properly designed and placed in operation. We tested certain of those controls to obtain evidence regarding the effectiveness of their design and operation. We also obtained an understanding of legal provisions that are significant within the context of the audit objectives, and we assessed the risk that illegal acts, including fraud, and violations of contracts, grant agreements, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions.

We conducted our audit in accordance with the standards applicable to performance audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform our audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides such a basis.

The accompanying Résumé of Operations is presented for informational purposes. This information was obtained from various available sources including, but not limited to, the

STATE OF CONNECTICUT

commission's management and the state's information systems, and was not subjected to the procedures applied in our audit of the commission. For the areas audited, we identified:

1. Deficiencies in internal controls;
2. Apparent noncompliance with policies and procedures or legal provisions; and
3. Need for improvement in management practices and procedures that we deemed to be reportable.

The State Auditors' Findings and Recommendations in the accompanying report presents any findings arising from our audit of the Commission on Human Rights and Opportunities.

COMMENTS

FOREWORD

The Commission on Human Rights and Opportunities (CHRO) operates primarily under the provisions of Chapter 814c, Sections 46a-51 through 46a-104 of the General Statutes. Its principal duty is to enforce state laws prohibiting discrimination in employment, housing, credit, and public accommodations through civil and human rights law enforcement. CHRO processes discrimination complaints through case assessment review, mediation, investigation, conciliation, prosecution, and adjudication. As part of its mission, CHRO acts as an advocate and provides education and outreach. It also enforces affirmative action laws and state agency contract compliance. CHRO functions through a central office in Hartford and 4 regional offices in Hartford, Norwich, Bridgeport, and Waterbury.

In a typical fiscal year, over 3,000 complaints are filed with the commission. About 83% of complaints relate to employment, about 8% housing, and the remainder involve service, credit, and public accommodation. As of June 30, 2018, CHRO had 2,702 open cases.

CHRO also reviews state agency affirmative action plans, in accordance with Section 46a-68 of the General Statutes. In fiscal year 2017-2018, the commission reviewed 37 plans, approving 29 of them. The commission conditionally approved six plans and disapproved two. In accordance with Section 46a-68a of the General Statutes, the commission may issue a certificate of noncompliance if it disapproves the affirmative action plan. The issuance of a certificate of noncompliance bars the agency from filling a position or position classification by hire or promotion until the commission deems the agency is in compliance. If the agency has achieved compliance, the commission withdraws the certificate of non-compliance.

Furthermore, CHRO annually monitors millions of dollars of state contracts for statutory compliance. CHRO reviews affirmative action and set aside plans of contractors doing business with state agencies. Thus, CHRO is responsible for ensuring equity and opportunity for small and

minority business enterprises throughout the state of Connecticut, including those owned by women, ethnic minorities, and people with disabilities.

Members and Officials of the Commission on Human Rights and Opportunities

Pursuant to Section 46a-52 of the General Statutes, the Commission on Human Rights and Opportunities consists of 9 members. The Governor appoints 5 members for 5-year terms. The Governor appoints one of the commissioners as the chairperson. The president pro tempore of the Senate, the minority leader of the Senate, the speaker of the House of Representatives, and the minority leader of the House of Representatives each appoint one member for a 3-year term. The commissioners serve without pay, but receive compensation for reasonable expenses in the course of serving on the commission. As of June 30, 2018, the following members served on the commission:

Cherron Payne, Chairperson
Edward Mambruno
Lisa B. Giliberto
Andrew M. Norton
Nicholas Kapoor
Edith M. Pestana
Joseph M. Suggs Jr.
Dr. Shuana K. Tucker

One vacancy.

Cherron Payne was appointed chairperson on January 22, 2016 and continues to serve in that capacity.

Tanya A. Hughes, Esq. was appointed executive director to a 4-year term on November 13, 2013 and reappointed for another 4-year term on September 13, 2017. Cheryl Sharp, Esq. was appointed deputy director, effective July 4, 2014.

Martin Luther King Jr. Holiday Commission

Section 10-29b of the General Statutes established the Martin Luther King Jr. Holiday Commission (MLK Jr. Commission) to ensure that the commemoration of Martin Luther King Jr.'s birthday is meaningful and reflective of the spirit of his life and death. The MLK Jr. Commission consists of 19 members, 11 members appointed by the Governor and 8 members by the General Assembly leadership. CHRO serves as the secretariat and consultant for the MLK Jr. Commission. As of June 30, 2018, the following members served on the MLK Jr. Commission:

James O. Williams, Chairperson	Carol Anderson
Donna Campbell	Sweets S. Wilson
Darryl A. Hugley	Diane Paige' Blondet
Diane Jones	Regina V. Roundtree
Diane Lucas	

There were 10 vacancies on the MLK Jr. Commission as of June 30, 2018.

Human Rights Referees

Section 46a-57 of the General Statutes allows the Governor to appoint 3 human rights referees, with the advice and consent of both houses of the General Assembly, to conduct settlement negotiations and authorized hearings. Human rights referees serve 3-year terms. The executive director designates one human rights referee to serve as the chief human rights referee for a one-year term. As of June 30, 2018, the following persons served as human rights referees within the CHRO Office of Public Hearings (OPH):

Michele C. Mount, Chief Human Rights Referee
Elissa Wright
(Vacancy)

The Office of Public Hearings provided us with a spreadsheet it uses to track its cases. As of July 16, 2019, there were 123 open cases. According to the calendar on the OPH website, as of June 25, 2019, OPH scheduled cases into March 2020 for public hearing/trials, pre-hearing conferences, or other types of proceedings. As of April 22, 2020, OPH scheduled 269 hearings through August 2021.

Significant Legislation

Public Act 16-16, effective May 6, 2016, required CHRO to create a one-page form on housing discrimination and federal and state fair housing laws by July 1, 2016 and post the form on its website. The “disclosure form” must be (1) in plain language and an easily readable and understandable format and (2) reviewed and updated by CHRO as necessary. Beginning 60 days after CHRO posted the form, anyone selling, leasing with the option to buy, or exchanging a residential property with a least two units must, at the time of closing, attach a copy of the disclosure form, signed by the prospective purchaser, to the purchase agreement, option, or lease containing a purchase option.

Public Act 17-118, effective October 1, 2017, expanded the employment protections provided to pregnant women under the state’s anti-discrimination law. It required employers to provide a reasonable workplace accommodation for a pregnant employee or applicant, unless the employer demonstrates that accommodation would be an undue hardship. The act also prohibited employers from (1) limiting, segregating, or classifying an employee in a way that would deprive women of employment opportunities due to pregnancy or (2) forcing a pregnant employee or applicant to accept a reasonable accommodation if unnecessary. It also eliminated certain employment protection provisions related to transfers to temporary positions for pregnant workers. The act also required (1) employers to notify employees of their rights under the act and (2) CHRO to develop instruction courses and conduct ongoing public education efforts to inform employers, employees, employment agencies and job seekers about their rights and responsibilities under the act.

Memorandum of Understanding with the Department of Labor

The Commission on Human Rights and Opportunities was assigned to the Department of Labor (DOL) for administrative purposes only, effective July 1, 2012. CHRO and DOL signed a memorandum of understanding (MOU) in late 2012 that specifies the parties' responsibilities. DOL is responsible for CHRO's human resources, affirmative action, and business office functions. CHRO retains certain other responsibilities. The MOU remains in effect while CHRO is under DOL for administrative purposes only.

RÉSUMÉ OF OPERATIONS**General Fund and Other Fund Receipts and Expenditures**

General Fund and Other Restricted Accounts Fund receipts totaled \$1,811,304 and \$1,913,710 for the fiscal years ended June 30, 2017 and 2018, respectively, as compared to \$1,443,218 for the fiscal year ended June 30, 2016. Receipts consisted primarily of federal aid received under cooperative agreements with the Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC). Under these agreements, CHRO receives a fixed fee for each HUD and EEOC case, up to a maximum number of cases each fiscal year. These receipts go into the state's General Fund. Receipts increased in fiscal year 2016-2017 due to CHRO processing more cases.

CHRO also received federal EEOC and HUD funds for travel, training, administrative costs, special enforcement efforts, and other purposes. These grant receipts totaled \$107,300 and \$87,230, for the fiscal years ended June 30, 2017 and 2018, respectively.

The Office of Public Hearings closed 77 and 59 discrimination cases, during the fiscal years ended June 30, 2017 and 2018, respectively. The Office of Public Hearings also conducts hearings into whistleblower retaliation cases filed pursuant to Section 4-61dd of the General Statutes. The Office of Public Hearings closed 11 and 14 cases, during the fiscal years ended June 30, 2017 and 2018, respectively.

A summary of General Fund expenditures for the fiscal years ended June 30, 2017, and 2018, is presented below (the fiscal year ended June 30, 2016 is provided for comparative purposes):

	Fiscal Years Ended June 30,		
	2016	2017	2018
Personal Services	\$6,154,994	\$5,817,720	\$5,566,418
Other Expenses	318,292	307,671	258,765
MLK Jr. Commission	4,582	4,656	3,331
Total General Fund	\$6,477,868	\$6,130,047	\$5,828,514

Total expenditures primarily decreased due to a reduction in filled paid positions during the audited period. The commission filled 76 paid positions as of June 30, 2016. As of June 30, 2017,

those positions decreased to 66 following several retirements and other separations. Filled positions increased slightly to 68 as of June 30, 2018.

Capital Equipment Purchase Fund expenditures totaled \$749, \$142,638, and \$0 for the fiscal years ended June 30, 2016, 2017, and 2018, respectively. The increase in fiscal year 2016-2017 was due to an upgrade of the agency's information technology equipment.

Federal and Other Restricted Accounts Fund expenditures totaled \$41,954, \$94,209, and \$103,235 for the fiscal years ended June 30, 2016, 2017, and 2018, respectively. The increase is substantially due to the increase in personal services costs under Fair Housing Assistance.

OTHER MATTERS

In prior audits, we reported that position vacancies had a negative impact on the commission's operation. As of June 30, 2018, CHRO (not including the Office of Public Hearings) had 61 (out of 79 authorized) full-time filled paid positions. Two regional manager positions were vacant during the audited period. Human Rights and Opportunities (HRO) Representatives investigate complaints of alleged discrimination, and work primarily in the regional offices. In any given fiscal year, HRO Representatives comprise approximately half of the commission's total workforce. As of June 30, 2018, CHRO filled 33 out of 41 authorized HRO Representative positions. Also, the Managing Director/Commission Attorney position has been vacant since July 1, 2013. CHRO "red circled" 5 additional vacant positions (Administrative Assistant, Secretary 1, Office Assistant, and 2 HRO Assistant Commission Counsel 1) Red Circled means that an agency is phasing out the job title and will no longer place employees under that title. It is critical that CHRO fills these vacant positions to return to a level of staffing of a few years ago.

STATE AUDITORS' FINDINGS AND RECOMMENDATIONS

Our review of the Commission on Human Rights and Opportunities for fiscal years ended June 30, 2017 and 2018 noted the following conditions:

CHRO – Meeting and Attendance Issues

Criteria: Section 46a-52 of the General Statutes requires the Commission on Human Rights and Opportunities to consist of 9 members. The Governor appoints 5 members. The president pro tempore of the Senate, minority leader of the Senate, speaker of the House of Representatives, and minority leader of the House of Representatives each appoint one member.

Section 1-225(b) requires each public agency of the state to file a schedule of its regular meetings for the ensuing year to the office of the Secretary of the State no later than January 31 of each year.

Regulations of State Agencies Section 46a-54-3a (b) indicates that Robert's Rules of Order shall govern the commission in all cases to which they are applicable and in which they are not inconsistent with other agency regulations. Robert's Rules of Order, which is generally used as conventional guidance for conducting meetings, provide that minutes of meetings should be signed by a designated representative to indicate that they have been formally approved.

Condition: The commission had one long-standing vacancy for a member appointed by the President Pro Tempore of the Senate. It has been vacant since January 2017. Furthermore, the commission did not have 2 members' current appointment letters on file.

The commission did not submit its annual meeting schedule to the Office of the Secretary of the State for 2017 and 2018.

The commission's designated representative did not sign meeting minutes as approved and final.

Context: The commission had monthly meetings through the audited period.

Effect: The commission's effectiveness may be hindered without a full complement of members.

The absence of the submission of the annual schedule of commission meetings to the Secretary of the State did not comply with the Freedom of Information Act and may preclude attendance by the public.

It is questionable whether meeting minutes are final without the designated official's signed approval.

Cause: It appears that the commission's administration was not aware of these issues.

Prior Audit Finding: This finding has not been previously reported.

Recommendation: The Commission on Human Rights and Opportunities should comply with Sections 46a-52 and 1-225 of the General Statutes and Section 46a-54-3a (b) of the Regulations of State Agencies regarding commission membership, meeting schedules, and meeting minutes. (See Recommendation 1.)

Agency Response:

"We disagree. The Commission submits an annual schedule of commission meetings to the Office of Legislative Management. Typically, the Administrative Assistant to the Executive Director will provide the information for our Commission meetings to the Office of the Legislative Management of the CT General Assembly to secure the space for the calendar year. She was assigned this responsibility after the Legislative Analyst position was vacated due to retirement in 2015. This position remained vacant for years. With respect to the posting of the agenda to SOTS (the Secretary of State), that has occurred monthly. Per the Executive Secretary, she was not aware that she needed to provide the entire calendar, nor was she aware of how to do so. She only received instructions about monthly posting. This has since been corrected. The Commissioners vote on the annual calendar and this information is forwarded to CGA, Office of Legislative Management. The Commission will submit all future notices of the calendar of Commission meetings to the Secretary of State in accordance with relevant statutory provisions. Future submissions of meetings minutes will be signed henceforth.

The Administration is aware that we must file a calendar of Commission meetings with the Secretary of State. As such, the Commissioners of the Agency vote on the calendar and the calendar is thereafter filed. Further, the Secretary of the State has consistently been notified of the Commission's monthly meetings every month within a minimum of 24 hours of the meeting, in accordance with either regulatory or statutory provisions."

Auditors' Concluding Comment:

While the commission claims to notify the Secretary of the State of its monthly meetings, it still did not comply with Section 1-225 of the

General Statutes. The commission did not submit the annual commission meeting schedules for 2017 and 2018.

Martin Luther King, Jr. Holiday Commission – Noncompliance with Governing Statutes

Criteria: Section 10-29b of the General Statutes established a Martin Luther King, Jr. Holiday Commission, consisting of 19 members appointed by the Governor and leaders of the general assembly, with vacancies to be filled by the appointing authority. The commission meets as often as deemed necessary by the chairperson or a majority of the commission. The Commission on Human Rights and Opportunities serves as secretariat and consultant to the commission.

The commission shall: (1) ensure that the commemoration of the birthday of Dr. Martin Luther King, Jr. in the state is meaningful and reflective of the spirit with which he lived and the struggles for which he died, (2) maintain a clearinghouse of programs and activities relating to the observance and promotion of such birthday in the state, (3) cooperate with the Martin Luther King, Jr. Federal Holiday Commission, community organizations and municipalities in the state, (4) develop and implement programs and activities for the state as it deems appropriate, and (5) not later than September first, annually, submit to the Governor a report on its findings, conclusions, proposals and recommendations for the observance of such birthday in the following January.

Condition: The Martin Luther King, Jr. Holiday Commission did not meet during the audited period. According to the CHRO website (as of April 22, 2020), there were 7 commission vacancies. The commission only had appointment letters available for 6 members whose terms expired during the audited period.

The commission did not meet its annual reporting requirement to the Governor.

In December 2016, the Martin Luther King, Jr. Holiday Commission legally changed its status to a charitable corporation. The commission paid the legal and filing fees associated with its incorporation and the application for tax-exempt status with state funds through CHRO. This occurred without legislative authorization.

Effect: The absence of meetings during the audited period inhibited the commission's effectiveness and contributed to the lack of annual reporting to the Governor.

Changing the commission's status to a charitable corporation does not appear permissible under the existing statute.

Cause: Inactive membership was provided, in part, as a reason for the condition.

Prior Audit Finding: This finding has not been previously reported.

Recommendation: The Martin Luther King, Jr. Holiday Commission, with guidance from the Commission on Human Rights and Opportunities, should ensure compliance with Section 10-29b of the General Statutes. The commission should seek clarification from the General Assembly whether it was authorized to change its status to a charitable corporation. (See Recommendation 2.)

Agency Response – MLK Jr. Holiday Commission:

“The State of CT Dr. Martin Luther King Jr. Holiday Commission was chaired by a former chairperson for the years of 2017 and 2018. The current chairperson, who was a Commissioner during that time, does not have access to the information being requested. The former chair was seriously ill for several years and subsequently died, therefore, the MLK Commission is unable to provide pertinent documents for the auditor's report. However, aside from the former chairperson, the current chairperson was the only appointed Commissioner appointed during that time. All of the other Commissioners either resigned or their terms expired. There were three individuals who were waiting to be appointed during this period, but they were not appointed until 2019. In 2019, the current chairperson was appointed Chair of the Dr. Martin Luther King Jr Holiday, Commission and has committed, moving forward, to provide all of the information that may be needed.”

Office of Public Hearings – Noncompliance with Statutory Composition and Operating Issues

Background: The Commission on Human Rights and Opportunities Office of Public Hearings (OPH) is responsible for scheduling and conducting all phases of the public hearing process in contested discrimination cases under the commission's jurisdiction and in certain types of whistleblower retaliation cases. Within OPH, the chief human rights referee administers the operations of the unit and assigns cases to two human rights referees. All of the referees are gubernatorial appointees, subject to legislative approval, who function independently from the rest of the commission. Human rights referees serve full time and conduct settlement negotiations and hearings as authorized by statute.

<i>Criteria:</i>	Section 46a-57 (a)(2)(E) of the General Statutes requires that on and after July 1, 2011, there shall be three human rights referees who shall (i) be appointed by the Governor with the advice and consent of both houses of the General Assembly, and (ii) serve for a term of 3 years. Good business practices suggest that the Office of Public Hearings should conduct the administrative hearing process within a reasonable time. Good business practices also suggest that OPH should establish a case management system to provide an effective and efficient means to schedule and administer cases.
<i>Condition:</i>	During most of the audited period (and through the date of our audit), OPH operated with only 2 of the 3 statutorily-required human rights referees. It takes 3 human rights referees (one of whom serves as the chief referee) to operate the office. In addition to the human rights referees, OPH operates with just one full-time employee who performs all of the office's administrative duties. In that employee's absence, the human rights referees perform those duties. This can be problematic, as OPH must avoid the potential of ex-parte communications. A review of the OPH website shows that as of April 22, 2020, OPH had 269 hearing events scheduled through August 2021. OPH lacks an adequate case tracking system. It currently performs case tracking manually through case file notations and a basic Excel spreadsheet.
<i>Context:</i>	Funding for the OPH operation resides within CHRO's budget.
<i>Effect:</i>	Human rights referee vacancies result in longer delays in public hearing scheduling. In some instances, human rights referees who did not preside at the public hearing must conduct settlement conferences. This vacancy complicates the scheduling of these settlement conferences. The absence of an adequate case tracking system yields inefficient management of OPH cases.
<i>Cause:</i>	The commission informed us that the Office of the Governor has been unable to attract candidates for the vacancies due to the limited salary range.

The lack of an adequate case management system appears to be due to the lack of financial resources.

Prior Audit Finding: This finding has been previously reported in the last audit report covering the fiscal years ended 2013, 2014, 2015 and 2016.

Recommendation: The Commission on Human Rights and Opportunities should continue to request the appointment of the vacant human rights referee position. In addition, the commission should consider whether the Office of Public Hearings needs additional support, including the acquisition of a case management system. (See Recommendation 3.)

Agency Response – CHRO:

“The Commission agrees that it is under-resourced and is fully aware of the need for additional resources and has made numerous attempts to secure funding. The Commission needs to be fully funded. The Office of Public Hearings does need a separate case management system and the CHRO needs to be provided with the funds in order to address the needs of the Office of Public Hearings. The Commission has included the Office of Public Hearings in all IT considerations.

The Commission agrees that a separate case management system for the Office of Public Hearings would be beneficial to the Agency and to the stakeholders of the Agency.”

Agency Response – OPH:

“We do not control or have any input into our budgetary line. We would like the opportunity to request, in addition to the third referee, a separate case management system and a law clerk or paralegal. Further, we would like confirmation that a salary for a third referee, a case management system and support staff is put into the CHRO budget request.”

Inadequate Case Tracking System

Background:

The Commission on Human Rights and Opportunities utilizes its Case Tracking System (CTS) to monitor cases reviewed through its complaint resolution process. CTS supports a staff of 74 investigators, attorneys, administrative assistants, and executive staff in annually processing an average of 2,500 cases. While most cases are resolved within a year, more complex cases could remain outstanding for up to 5 years. However, we noted 24 cases were outstanding for more than 10 years.

<i>Criteria:</i>	Good business practices dictate that an organization should have an information system capable of supporting management's direction and monitoring of operations to provide timely and reliable information for decision-making and corrective action.
<i>Condition:</i>	CTS does not effectively, efficiently and reliably support the CHRO management in its mission. This is due to design limitations, inadequate maintenance, and unreliable information. We observed the following: • The CTS design does not have adequate data structure and edit controls to assure the accurate input of critical data. This includes data such as complainant name, respondent, federal case identification number, and to capture critical information for case monitoring and trend assessment. • CHRO cannot rely on CTS to produce accurate internal management and statutorily-required reports. Instead, regional offices must compile and augment the data before submitting it to the central office for the development of an agency level summary. • At the time of a major system modification in 2015, the Department of Administrative Services – Bureau of Enterprise Systems and Technology (DAS-BEST) deactivated 9,536 (out of a total of 35,888) older closed case records from CTS without consulting CHRO management on the effect of this decision or the manner of its implementation. • Our review of initial case information input into CTS determined that a delay of more than 1 week to input such data has increased over the past 8 years from a low of 12% of cases to 60%. This significant increase in delay occurred coincident with significant staff reductions in 2016.
<i>Context:</i>	From 2003 through the date of our audit, CHRO recorded 35,888 cases on its case tracking system.
<i>Effect:</i>	The system's inadequate design impairs management's ability to maintain reliable information to manage internal operations. It also makes it more difficult to monitor caseloads for trends that can be more efficiently addressed with regulation, surveillance, and training. The Department of Administrative Services – Bureau of Enterprise Systems and Technology decision to deactivate 25% of CHRO's case history records without consulting CHRO senior management raises a question regarding clarity of system management responsibility between the two organizations. However, CHRO is ultimately responsible for the operational integrity of the system and the integrity of its data in fulfilling its statutory mandates.

<i>Cause:</i>	CHRO lacks a staff member trained in information technology who is capable of supporting the commission's contemporary information needs related to CTS, CTS-supporting desktop applications, and other operations. In absence of this staffing resource, CHRO appears to have accepted the system's limitations as well as possible work around for them. This resulted in evolving inefficiencies that are likely significant to the senior management's productivity.
<i>Prior Audit Finding:</i>	This finding has not been previously reported.
<i>Recommendation:</i>	The Commission on Human Rights and Opportunities should continue to prioritize the replacement of its Case Tracking System and increase its information technology capabilities to enhance operational effectiveness and efficient use of its resources. (See Recommendation 4.)
<i>Agency Response:</i>	"The Commission has made replacement of the Case Tracking System a priority and has prepared a draft application for funding for the purchase of a new complaint tracking system. In the early 2000s, when the business office within the CHRO was dismantled, the CHRO was supposed to be fully supported by the Department of Administrative Services, Bureau of Enterprise Systems and Technology (DAS/BEST). The CHRO does not have any trained technical professionals within its employ and has been forced to rely on the limited technical knowledge of a few staff persons who are not employed by the Agency to provide technical support. The CHRO has not been funded to hire a staff person with expertise in technical support. The Case Tracking System that is being used by the Agency was developed and designed by DAS/BEST. DAS/BEST provides the Commission on Human Rights and Opportunities with technical support due to layoffs in early 2000 that resulted in the dismantling of the business office within the Agency. CHRO has never had those positions returned through appropriations, although the agency has made numerous appeals to the legislature and governor's office regarding the need. Again, the Commission has most certainly given priority to the development of a complaint tracking system. CHRO has prepared a draft of an application for state funds to purchase a complaint tracking system and has been actively working with DAS to develop and submit that application. It is a timely process that is not under the agency's control."

Affirmative Action Plans – Incapacity to Support Electronic Submission

<i>Background:</i>	All state agencies, boards and commissions employing 25 or more full-time employees are required to file an affirmative action plan with the Commission on Human Rights and Opportunities to achieve equal employment opportunity within their agencies. These plans must be submitted on a semi-annual, annual or biennial cycle, depending on the reporting cycle of the particular agency.
<i>Criteria:</i>	Section 46a-68(c) of the General Statutes states that all affirmative action plans shall be filed electronically, if practicable.
<i>Condition:</i>	CHRO does not permit electronic filing of affirmative action plans, as allowed by statute.
<i>Context:</i>	An affirmative action plan for a major state agency can exceed 100 pages of significant tabular data. There are approximately 79 state agencies, as well as other boards and commissions, which may be subject to the reporting requirements.
<i>Effect:</i>	The inability to file electronically results in inefficient manual preparation, submission, and review of paper documents. This creates a burden on CHRO and the various reporting agencies' limited administrative resources. This could be mitigated with electronic filing capabilities that standardize input and centralize the data compilation to facilitate preparation.
<i>Cause:</i>	CHRO indicates that it does not have the resources to support the infrastructure necessary to electronically receive and process affirmative action plans. CHRO management applied for a pilot federal program to implement electronic plan preparation using a shared federal system platform, but was not selected.
<i>Prior Audit Finding:</i>	This finding has not been previously reported.
<i>Recommendation:</i>	The Commission on Human Rights and Opportunities should implement a platform for the electronic preparation and submission of state agency affirmative action plans. (See Recommendation 5.)
<i>Agency Response:</i>	"The CHRO would need to be fully funded to implement such a plan. The CHRO is underfunded and under resourced. The CHRO has explored entities that can provide this service, however additional, consistent funding would be required to implement and maintain this feature successfully."

Statutory Reporting Requirement Deficiencies

<i>Criteria:</i>	The Commission on Human Rights and Opportunities must comply with a number of statutory reporting requirements including the following: Section 4-9b(b) of the General Statutes requires the executive officer or chairperson of each state appointive board, commission, committee and council having members appointed by the Governor or the General Assembly to biennially report in writing to the Secretary of the State on or after September first, but no later than October 1 (1) the number of members of such body and (2) the composition of the body according to the term “race/sex”, as defined in the regulations of CHRO. Section 4a-60g (m) of the General Statutes requires CHRO to monitor the achievement of annual set-aside program goals established by each awarding agency and to prepare a quarterly report concerning such goal achievement. The report is to be submitted to each awarding agency that submitted a report, the Department of Economic and Community Development, the Department of Administrative Services and the General Assembly. Section 4d-7 of the General Statutes requires each agency to submit annually on or before August 1st, all plans, documents and other information requested by the Commissioner of Administrative Services for the development of the Information and Telecommunication Systems Strategic Plan.
<i>Condition:</i>	CHRO did not comply with certain statutory reporting requirements during the audited period.
<i>Effect:</i>	The intended recipients of the reports are not cognizant of certain data to make informed decisions.
<i>Cause:</i>	The commission acknowledged that there was a gap in reporting and that it was going through a transition to ensure that it meets its reporting requirements.
<i>Prior Audit Finding:</i>	This finding has not been previously reported
<i>Recommendation:</i>	The Commission on Human Rights and Opportunities should comply with its statutory reporting requirements. (See Recommendation 6.)
<i>Agency Response:</i>	“While the agency attempted to address issues from previous audits which cited a need to comply with reporting requirements and did so valiantly we have and will continue to address the need to be perfect.

As of June of 2018, the CHRO had 83 authorized positions and only 63 permanent full-time filled paid positions, despite repeated requests to refill critical positions within the agency. The decrease in the number of filled paid positions does not reflect the numerous, repeated efforts and multiple requests to refill critical positions within the agency. All requests were denied and affected our ability to perform optimally.”

Asset Management Issues

Background:

Under a memorandum of understanding between the Commission on Human Rights and Opportunities (CHRO) and the Department of Labor (DOL), DOL is responsible for entering assets into the Core-CT state accounting system; coordinating items for surplus; and preparing the Asset Management Report (CO-59). CHRO is responsible for approving the CO-59; managing the physical inventory; reconciling inventory records; identifying and recording missing items; completing and submitting signed CO-853 loss reports; and maintaining the software inventory.

Criteria:

Section 4-36 of the General Statutes requires state agencies to establish and maintain inventory records as prescribed by the Office of the State Comptroller. The agency must transmit a CO-59 to the State Comptroller and maintain its inventory in Core-CT. Only capitalized equipment should be reported on the CO-59, which should reconcile to the Core-CT inventory listing.

The State Property Control Manual requires each agency to maintain complete and accurate property records and establishes specific standards including:

- Agency software inventory listings should contain certain specified fields.
- Agencies should not report controllable property, which has a value of less than the \$5,000 capitalization threshold, on the CO-59.
- Agencies must conduct a complete physical inventory of all property by each fiscal year end.

Condition:

We noted the following asset management issues:

- CHRO did not adequately support CO-59 balances and activity by Core-CT for fiscal years 2016-2017 and 2017-2018.
- CHRO overstated CO-59 balances for 2016-2017 due to the inappropriate addition of \$139,428 in controllable property purchases.

- The Core-CT Asset Management module did not include \$121,194 in controllable property that CHRO purchased during the audited period and through December 2018.
- CHRO did not complete physical inventories during fiscal years 2016-2017 and 2017-2018 and did not perform a reconciliation of the CO-59 to inventory records.
- The agency's software inventory listing did not contain the required fields identified in the State Property Control Manual. Also, CHRO reported software inventory as a single item in Core-CT rather than as individual software items.

Context: CHRO reported a \$331,913 ending balance on the CO-59 for the fiscal year ended June 30, 2018.

Effect: When agencies inaccurately report assets and do not completely conduct and maintain complete inventory records, there is an increased risk of loss of state property.

Cause: In part, it appears that there was confusion whether CHRO or DOL was responsible to conduct the physical inventory.

Prior Audit Finding: This finding has not been previously reported.

Recommendation: The Commission on Human Rights and Opportunities should work with the Department of Labor to ensure compliance with asset management requirements in Section 4-36 of the General Statutes and the State Property Control Manual. (See Recommendation 7.)

Agency Response – CHRO:

“The Agency will work with the Department of Labor to resolve any Asset Management and Inventory issues. However, as stated previously, the Agency only employs attorneys, investigators, Managers and support staff. We do not have any business office, accounting or similar personnel. The functions discussed in this section were performed by the Department of Administrative Services when the Agency was APOed to them.”

Agency Response – DOL:

“We agree with the findings. The lack of accuracy is the result of the process being compromised due to staff reductions, human resource issues and inventory processing modifications. The Commissioner and appropriate staff have met with the State Auditors, as related to the DOL's overall approach to asset management, and reviewed conditions and solutions. As a result a corrective plan has been developed which will result in an accurate inventory being available by the close of FY 18/19. This corrective plan includes:

- upgrade of inventory scanning equipment
- (re)training of appropriate staff in inventory roles and responsibilities
- updated agency inventory manual and standard operating procedure manuals
- cleanout and disposal of surplus equipment throughout DOL's offices and warehousing facilities
- comprehensive statewide physical inventory scan
- establish controls to ensuring compliance with mandated inventory practices and reporting guidelines

The DOL understand the importance of an accurate inventory and is committed to doing what is required to correct this situation.”

Deficiencies in Revenue Recognition and Account Reconciliation

Background:

The Commission on Human Rights and Opportunities recorded revenue of \$1,803,100 and \$1,904,430 for fiscal years 2016-2017 and 2017-2018, respectively, from complaint settlement contracts with the federal Equal Employment Opportunity Commission (EEOC) and Department of Housing and Urban Development (HUD). These revenues constitute 99.5% of all CHRO's federal revenues and support 28.3% and 32.11% of the commission's expenditures for fiscal years 2016-2017 and 2017-2018 respectively.

CHRO receives fiscal management support from the Department of Labor (DOL) for administrative purposes only. While DOL is responsible for CHRO's accounting, the department needs and depends on CHRO operational information. Therefore, there must be mutual understanding and coordination between the agencies.

Criteria:

Proper accounting requires that management recognize revenues in the period they are earned to achieve a proper matching with related expenditures and provide an accurate measure of financial performance.

Effective accounting control requires that revenues earned be reconciled periodically with revenues received to detect billing errors or remittance by either party to the transaction.

Condition:

A review of federal grant revenue patterns during the audited period identified deficiencies in accounting practices for revenue recognition and reconciliation.

In most instances, revenue recognition occurred following the close of the federal fiscal year ending September 30, resulting in CHRO not

recording approximately 75% of the current year's revenue until the subsequent state fiscal year. Therefore, they did not match to current year expenditures.

We observed two instances in which the absence of an effective reconciliation process resulted in Equal Employment Opportunity Commission revisions, including a \$40,300 adjustment in state fiscal year 2016-2017 pertaining to federal fiscal year 2012, and a \$7,000 adjustment in state fiscal year 2017-2018 pertaining to federal fiscal year 2015.

The DOL Business Management Unit does not receive sufficient information from CHRO to effectively reconcile revenue earned with revenue recorded from contract payments. CHRO's internal process of monitoring EEOC payments does not constitute a complete reconciliation of annual contract activity and revenue received.

Context: The condition appears to be a systemic problem.

Effect: Untimely revenue recognition misrepresents relationships between each fiscal period's revenues and related expenditures. This is due to improper matching of revenues with the fiscal period in which they were earned.

Ineffective reconciliation processes impair the capacity to detect errors and seek timely correction. Although noted errors were not material, and the result of unique circumstances, they illustrate that errors can occur on a larger scale.

Cause: DOL does not possess the necessary information from CHRO to fulfill its financial management role.

Neither agency appears to have sufficient staffing to perform the additional accounting and reconciliation processes to ensure timely and accurate financial reporting and management.

Prior Audit Finding: There was no prior audit finding.

Recommendation: The Commission on Human Rights and Opportunities and the Department of Labor should jointly devise enhanced controls to improve the accuracy of revenue recognition and effectiveness of reconciliation processes. (See Recommendation 8.)

Agency Response – CHRO:

“The CHRO has established regular, quarterly meetings and will continue to work with the Department of Labor to address the issues

noted herein. However, the CHRO does not employ and has not received funding to employ any accountants. This is beyond the purview of our authority and would require multiple levels of approval. The CHRO is staffed with attorneys, investigators and support staff. The CHRO lost its independent business office on or about the early 2000s. The Agency has remained underfunded and under-resourced since that time, despite efforts to enhance and increase funding.”

Agency Response – DOL:

“DOL has created and maintains a spreadsheet to track CHRO’s payment requests to include balances available and coding information. DOL relies solely on contract information from CHRO.

DOL created a payment request form for CHRO to submit when requesting drawdowns in order to maintain consistency in drawdown efforts and account tracking. No drawdowns are completed without the completed signed contract in hand.

All drawdown request require back up information to support the request for funds.”

Accountability of Donations

Criteria:

Section 46a-54 of the General Statutes authorizes the Commission on Human Rights and Opportunities to receive donations.

Section 46a-89 defines the authority for CHRO to seek civil penalties for discriminatory practices in employment, housing and public accommodations through injunctive relief in Superior Court.

Proper accounting requires the classification of transactions according to the substance of the transaction and not its form.

A donation is defined as “the act by which the owner of a thing voluntarily transfers the title and possession of the same from himself to another person without consideration; a gift.”

Condition:

CHRO appears to have inappropriately designated funds from complaint case settlements as donations.

We tested 4 remittances totaling \$10,090 to complaint case settlement documentation and determined that all 4 payments were part of settlements negotiated with the respondents. The court of jurisdiction directed respondents to make payments to the Human Rights Education and Donation Account or CHRO Education and Outreach Fund.

CHRO directed the Department of Labor Business Management Unit, which administratively supports CHRO, to record the transactions in Core-CT without supporting documentation. DOL did not have the basis to question the accuracy of the accounting designation, nor the standards by which to assess the appropriateness of disbursements from a restricted fund.

Context: CHRO classified \$13,240 of collections as donations for fiscal years 2016-2017 and 2017-2018, of which \$5,091 was expended. These funds are classified as restricted funds.

Effect: The classification of the funds as donations is inappropriate.

CHRO's accounting of these settlements as donations directs them to a restricted fund without established policies for their authorized use. The creation of a restricted fund without collateral policies to define restricted use leaves it susceptible to misuse.

Cause: CHRO's executive management asserts that it consulted with the Office of State Ethics and received a verbal opinion that it is acceptable for the commission to recommend donations to its education fund in case settlements.

CHRO has been granted statutory authority to accept donations. However, it has chosen to misapply that authority to settlements awarded under civil judicial processes. Civil penalties and settlements administered through civil judicial processes have the same level of legal enforcement. Therefore, they are not donations in the generally recognized meaning of that term.

It appears that DOL has not received sufficient documentation to assess the substance of the transactions and determine their proper accounting treatment.

Prior Audit Finding: This finding has not been previously reported.

Recommendation: The Commission on Human Rights and Opportunities should discontinue its practice of pursuing donations through the settlement process under Section 46a-89 of the General Statutes. In addition, the commission should establish criteria for the use of the restricted Human Rights Education and Donation Account. (See Recommendation 9.)

Agency Response: "The Commission requested that the Department of Administrative Services (DAS) establish and maintain an account for the receipt of donation funds as authorized by statute. Thereafter, the Commission was APOed to the Department of Labor. The Commission has not been

funded to and currently has no independent accounting or business management unit or personnel. Instead, the Commission has an agreement with the Department of Labor to perform these functions on the CHRO's behalf. In that role, it is the Department of Labor, not the CHRO that has established the donations account, monitors account activity, and ensures the account's compliance with any and all relevant rules, regulations, and statutes.

To the extent the Commission is being faulted for including donations to this fund as part of a mutually agreed upon settlement agreement, the criticism is not supported by the law. These donations are explicitly authorized by statute. Conn. Gen. Stat. Section 46a-54(18) authorizes the Commission to enter into contracts for and accept grants of private or federal funds and to accept gifts, donations or bequests, including donations of service by attorneys. A settlement agreement is a form of contract to resolve pending litigation. Since the establishment of the donation fund years ago, the Commission has infrequently included a donation clause in settlement agreements pursuant to this statutory authority. The CHRO has appropriately designated funds to be deposited into its charitable contributions account. Contrary to the language in the draft, the CHRO has not inappropriately designated settlement funds as donations. The four examples of settlements referred to in the draft explicitly make clear that a donation is being made to the agency. A civil penalty can only be awarded by a judge after an adjudication. A settled case, even if settled in court cannot be designated as a civil penalty. The judge as an operation of Court procedure accepts the settlement of the case by the parties and closes the case pursuant to settlement. The Court does not award a civil penalty when a case is closed pursuant to settlement. The statutory provisions are very specific as it relates to a civil penalty.

As an agency we have received advice and guidance from the Ethics Office and the Office of the Attorney General regarding accepting donations. We have followed that guidance. The Agency interprets its own statute to provide for acceptance of donations. The Connecticut courts have ruled that the Agency's interpretation of its own statutes should be given deference and priority.

Further, the Agency is only a party to voluntary settlements. The Agency is not generally a party to binding arbitration when using its three party system. As such, any and all settlements in which the Agency is a party or the settlement is a matter of public record would be a voluntary settlement.

Contrary to the information contained in the draft report, there has been no inappropriate conduct. The settlement agreements that are referred

to clearly state that a donation is being made to the education or charitable donation account of the Agency.

The Commission agrees that it should establish guidelines for the use of the funds and will endeavor to do so.”

*Auditors’ Concluding
Comment:*

The donations cited in this finding were the result of court-approved settlements which terminated civil actions by the parties. As such, the donations were not truly voluntary, but were negotiated under the duress of a possible less favorable outcome in a civil trial.

Investigations Issue

Background:

The Department of Labor (DOL) provides human resource and payroll support services to the Commission on Human Rights and Opportunities in accordance with a memorandum of understanding. DOL’s responsibilities include conducting investigations of employee misconduct on behalf of CHRO management, which retains the responsibility for the disposition of matters brought to its attention.

Criteria:

An investigative process should assure a consistent methodology governed by applicable laws, regulations, and labor contract provisions. It should document the complaint’s process, conclusions and final disposition in order to provide evidence of a fair and consistent investigation.

The Administrative and Residual (P5) Unit Employee Service Rating form provides 5 employee evaluation rating levels: Excellent, Superior, Satisfactory, Fair and Unsatisfactory (Fair and Unsatisfactory are considered to be “less than good” ratings). The 5 factors subject to evaluation include: Quality of Work, Quantity of Work, Dependability, Ability to Deal with People, and Supervisory Ability.

Administrative and Residual (P-5) Bargaining Unit Contract, Article 10 - Service Ratings, Section 1 indicates that ratings of Fair in 2 categories and/or Unsatisfactory in one or more categories shall constitute an overall rating of “less than good”. An employee who has received a “less than good” rating should be counseled.

Condition:

Our review of investigations conducted during the audited period generally found the documentation to be thorough in justifying the DOL conclusions. However, in one instance, the investigation file did not include documentation of the final management action. CHRO prepared a counseling letter and sent it to the employee for signature. However,

the employee did not return it and CHRO did not submit a copy to DOL for the employee's personnel file.

Furthermore, the CHRO management's service ratings of "Excellent, Superior, and Satisfactory" for this employee for the investigation period and the following year, appear to show that CHRO management's action was inconsistent and insufficient with the evidence in the DOL investigation and CHRO counseling letter.

Context: DOL conducted 12 investigations during fiscal years 2016-2017 and 2017-2018. The department combined the investigations into 7 files as some pertained to the same subject employee.

Effect: A failure to document the final disposition of an investigation results in an incomplete record.

Insufficient management response to the complaints that initiated the investigation may negatively impact the performance of other employees.

Cause: There appears to be a lack of communication between CHRO and DOL with regard to the final disposition of investigations. CHRO management exercised poor judgement in conducting the employee's service ratings without adequate consideration of the investigation or counseling letter.

Prior Audit Finding: This finding has not been previously reported.

Recommendation: The Department of Labor should ensure that all investigations are adequately documented with complete records of evidence and final disposition. The Commission on Human Rights and Opportunities should ensure that final dispositions are consistent with investigatory evidence. (See Recommendation 10.)

Agency Response – CHRO:

"The record of the counseling was provided to the employee and signed by the employee. The request for a copy of the signed counseling was made during a period when the vast majority of agency staff was working remotely due to COVID-19 restrictions. As a result, the signed counseling memo was not provided to the Auditors as it is maintained in a supervisory file. The agency maintains that the counseling was adequate, sufficiently addressed the outlined concerns and discussed with Human Resources prior to being given to the employee. The incident in question did not negate the overall performance of that employee throughout the rest of the reporting year."

Agency Response – DOL:

“CT DOL concurs with the CHRO response.”

Auditors’ Concluding

Comment:

Management’s action does not appear to reflect the investigation and counseling matters. The investigation report identifies the employee’s pattern of behavior rather than one particular incident, and was not adequately reflected in the employee’s service rating. In addition, we did not find the resulting counseling letter in the employee’s personnel file.

RECOMMENDATIONS

Status of Prior Audit Recommendations:

Our prior audit report on the Commission on Human Rights and Opportunities contained 6 recommendations. Five have been implemented or otherwise resolved and 1 has been restated with modifications during the current audit.

- The Commission on Human Rights and Opportunities should prepare and submit all reports not previously submitted to the Judiciary Committee and the Governor in accordance with Section 46a-82e (b) of the General Statutes. The commission should also submit all future reports in a timely manner. **This recommendation has been resolved.**
- The Commission on Human Rights and Opportunities should comply with the reporting requirements of Section 46a-56 (a) (6) and Section 46a-68 (f) of the General Statutes, and submit the required Contract Compliance and Affirmative Action reports. **This recommendation has been resolved.**
- The Chairperson of the Commission on Human Rights and Opportunities should request that the Office of the Governor fill the vacant Human Rights Referee position. CHRO should consider whether the Office of Public Hearings needs additional support and review the feasibility of incorporating OPH cases into its case tracking system. **This recommendation is being modified and repeated. (See Recommendation 3.)**
- The Commission on Human Rights and Opportunities should promptly notify Core-CT security when employees separate from the agency so their accounts can be formally locked. **This recommendation has been resolved.**
- The Department of Labor should prepare the annual internal control self-assessment questionnaire required by the Office of the State Comptroller. The Commission on Human Rights and Opportunities should keep its questionnaires on file. **This recommendation has been resolved.**
- The Commission on Human Rights and Opportunities should comply with state personnel regulations and contracts when placing employees on paid administrative leave and should strengthen internal controls over voluntary leave. CHRO should seek guidance and approval from the State Retirement Commission when provisions of a proposed stipulated agreement have the potential to grant retirement benefits, (which are outside CHRO's authority) and should seek guidance and approval from the Office of Labor Relations (OLR) pertaining to stipulated agreements involving collective bargaining agreements, which OLR negotiates and administers. **This recommendation has been resolved.**