

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

CHRISTINE AUBREY	:	CIVIL ACTION NO. 3:07CV-01760 (CFD)
Plaintiff	:	
	:	
VS.	:	
	:	
STATE OF CONNECTICUT	:	
DEPARTMENT OF	:	
TRANSPORTATION, CHARLES	:	
LaCHANCE, CARL NELSON, DIANE	:	
DONATO and VICKI ARPIN, in their	:	
individual capacities	:	
Defendants	:	DECEMBER 3, 2007

**AMENDED COMPLAINT**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff hereby amends her complaint as of right.

**I. INTRODUCTION**

1. The Plaintiff, Christine Aubrey, brings this action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e *et seq.*, against the State of Connecticut Department of Transportation. She also brings claims under 42 U.S.C. Sec. 1983 against Defendants Charles LaChance, Carl Nelson, Diane Donato and Vicki Arpin, in individual capacities. She also brings a claim under Conn. Gen. Stat. Section 46a-51, *et seq.* against the State of Connecticut Department of Transportation and under Conn. Gen. Stat. Sec. 46a-99 against the State of Connecticut Department of Transportation, Diane

Donato and Vicki Arpin.

## **II. JURISDICTION**

2. This action is brought to secure the protection and redress the rights secured to the Plaintiff by the Civil Rights Act of 1866, 42 U.S.C. Sec. 1983, the First and Fourteenth Amendments to the United States Constitution, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, *et seq*, the provisions of the Connecticut Fair Employment Practices Act, Conn. Gen. Stat. Section 46a-60, *et seq*. and the provisions of Conn. Gen. Stat. Section 46a-99. Jurisdiction is invoked pursuant to 28 U.S.C. Sections 1331, 1337, 1343, 2201 and 2202, and the aforementioned statutory and constitutional provisions. The supplemental jurisdiction of this Court is invoked pursuant to 28 U.S.C. Section 1367 to hear and decide claims arising under state law.

3. On or about June 20, 2006 and on or about April 26, 2007, Aubrey filed timely complaints with the Connecticut Commission on Human Rights and Opportunities ("CHRO"), numbers 0640456 and 0740286 respectively, and the Equal Employment Opportunity Commission ("EEOC"), making claims of discrimination on the basis of gender and of retaliation.

4. On November 1, 2007, Aubrey received releases of jurisdiction from CHRO as to the above CHRO complaints, copies of which are attached as Exhibits A and B, respectively, pursuant to Conn. Gen. Stat. Sections 46a-100 and 46a-101, authorizing her

to commence this civil action pursuant to Conn. Gen. Stat. Section 46a-102. Aubrey has therefore exhausted her administrative remedies under the Connecticut Fair Employment Practices Act.

5. On or about June 20, 2006 and on or about April 26, 2007, Plaintiff filed timely complaints with the Equal Employment Opportunity Commission ("EEOC"), numbers 16A200601387 and 16A200701140, respectively, claiming discrimination on the basis of sex. Plaintiff received right to sue letters from the United States Department of Justice on November 19, 2007, copies of which are attached as Exhibits C and D, respectively. Plaintiff has therefore exhausted her administrative remedies as to her Title VII claims.

### **III. PARTIES**

6. The Plaintiff Christine Aubrey ("Aubrey") is and was, at all times relevant to this complaint, an employee of the State of Connecticut Department of Transportation.

7. The Defendant State of Connecticut Department of Transportation ("DOT") is an agency of the State of Connecticut and an employer within the meaning of the Connecticut Fair Employment Practices Act ("CFEPA"). DOT employs more than 15 persons.

8. The Defendant Charles LaChance ("LaChance") is and was, at all times mentioned herein, employed by the State of Connecticut Department of Transportation. He is sued individually.

9. The Defendant Carl Nelson ("Nelson") is and was, at all times mentioned herein,

employed by the State of Connecticut Department of Transportation. Since the spring of 2003 he has served as Acting District Engineer and/or as District Engineer. He is sued individually.

10. The Defendant Diane Donato ("Donato") is and was, at all times mentioned herein, employed by the State of Connecticut Department of Transportation as Director of Equal Opportunity and Diversity. She is sued individually.

11. The Defendant Vicki Arpin ("Arpin") is and was, at all times mentioned herein, employed by the State of Connecticut Department of Transportation as Agency Personnel Administrator. She is sued individually.

12. At all times mentioned herein, Defendants LaChance, Nelson, Donato and Arpin acted under color of law.

#### **IV. FACTS**

13. Aubrey began working for DOT in its District 2 (Norwich) office in April 1996. On or about December 26, 2003, she was promoted to the position of Transportation Engineer ("TE") 3.

14. From November 2005 through April 2006, DOT District 2 employees Felice Orlando, who was at that time a TE 1 ("Orlando"), David Bohara, who was at that time a TE 2 ("Bohara"), John McGuire, who was at that time a TE 1 ("McGuire"), Jeffery Smith, who was at that time a TE 1 ("Smith"), Richard Zawacki, who was at that time a TE 2

("Zawacki") and Arthur von Plachecki, who was at that time a TE 1 ("von Plachecki") were assigned to an overtime project in New Haven under the supervision of Charles LaChance, who was then a TE 3 ("LaChance"). LaChance has long harbored and continues to harbor a discriminatory and retaliatory animus against Aubrey.

15. On or about April 10, 2006, Aubrey was informed that Orlando had filed an Affirmative Action complaint against her dated February 28, 2006. At all times relevant to this complaint, Orlando is and has been a close friend and confidant of LaChance.

16. On April 12, 2006, based on Orlando's unfounded complaint, and before being afforded any opportunity to respond to it, Aubrey was summarily reassigned from the District 2 office to DOT's Central Office in Newington by Carl Nelson ("Nelson"), District Engineer for District 2. DOT refused Aubrey access to the District 2 office and instructed Aubrey that any contact with employees assigned to that office was forbidden.

17. On May 1, 2006, Aubrey was required to attend a meeting at DOT Affirmative Action, in response to Orlando's complaint. At that time, Aubrey learned for the first time that Orlando was accusing her of "harassment", "retaliation" and "sexual harassment", the latter charge based on an incident alleged to have occurred on July 21, 2005.

18. During April and May 2006, certain male employees of the DOT District 2 office, including Bohara, McGuire, David Gosselin ("Gosselin"), Zawacki and LaChance provided testimony to DOT Affirmative Action in support of Orlando's false allegations, signing

written statements on May 26, 2006. Bohara, McGuire and Gosselin, like LaChance, have long harbored discriminatory and retaliatory animus against Aubrey.

19. At the time these false allegations were made, Orlando, LaChance, Bohara, McGuire, Gosselin and Zawacki knew that there existed an open position of Transportation Principal Engineer in District 2 and that Aubrey was a candidate qualified for that position.

20. During April and May 2006, DOT Affirmative Action, under the direction of Diane Donato, DOT Director of Equal Opportunity Assurance ("Donato") conducted an "Affirmative Action Investigation" in response to Orlando's complaint which was biased, unfair, contrary to DOT written procedures and policies and which was conducted with the intent and effect of making findings intended to damage Aubrey and her career.

21. On or about June 21, 2006, DOT Affirmative Action shared with Aubrey a report on its investigation of Orlando's complaint, approved by Donato which stated that Aubrey had engaged in harassment, retaliation and sexual harassment of Orlando.

22. On July 24, 2006, the first official posting for the District 2 Principal Engineer position appeared. Aubrey applied for the position, was deemed qualified and was selected for an interview.

23. Interviews for the position of Principal Engineer took place in the District I Office on September 13, 2006.

24. One day later, on September 14, 2006, Orlando filed two more complaints of

retaliation and harassment, one against Aubrey and one against another TE 3 who had applied for and was being considered for the position of Principal Engineer, Joseph Casavecchia ("Casavecchia"). Unlike Aubrey, Casavecchia was not removed from the District 2 office.

25. On September 27, 2006, the Office of Labor Relations ("OLR"), as a result of Aubrey's grievance over her reassignment, ordered DOT to return Aubrey to the District 2 office immediately.

26. On October 5, 2006, DOT met with District 2 employees as an initial step in what was claimed to be a DOT "investigation" into allegations that there existed a "hostile work environment" at District 2. Aubrey was not invited to this meeting. In fact, this "investigation" has been and/or is being conducted by DOT for the purpose of retaliating against Aubrey.

27. On October 10, 2006, Aubrey returned to work at District 2. Since her return, Aubrey has been subjected to an ongoing course of continuing discrimination and retaliation as the result of conduct of LaChance, Bohara, Zawacki, McGuire, Smith, Orlando, Nelson, Donato and others acting in concert with them.

28. On March 27, 2007, Aubrey learned that DOT had selected LaChance for the Principal Engineer position in District 2, even though Aubrey was more qualified.

29. On July 13, 2007, Aubrey was suspended for a period of 15 days, which

suspension was served from August 6-24, 2007, allegedly based on the Affirmative Action investigation and findings approved by Donato.

30. Before filing the CHRO and EEOC complaints described in paragraph 3, Plaintiff had previously opposed discriminatory and retaliatory employment practices at DOT, including the following:

a. On or about December 17, 1998, Aubrey spoke out in support of a claim of sexual harassment made by another female employee;

b. During November and December 1999, Aubrey complained when LaChance told others Aubrey would not be selected for the position of TE 2, for which she had applied, and met with DOT Affirmative Action and DOT Human Resources concerning that complaint;

c. On May 8, 2000 Aubrey filed a CHRO/EEOC complaint based on DOT's promotion of a less-qualified male, Richard Zawacki, to the position of TE 2 in December 1999. This complaint was withdrawn on August 13, 2001, after DOT retroactively promoted Aubrey to the position of TE 2;

d. In May and June 2003, Aubrey complained to Nelson and to Arthur Gruhn that DOT had transferred Bohara from his position of TE 2 to a vacant TE 3 position in District 2, permitting him to work in that capacity on a temporary basis; that is, temporary service in a higher class ("TSHC"). At the time Aubrey and Bohara were both potential candidates to

fill the TE 3 position on a permanent basis;

e. On or about October 10, 2003, Aubrey filed a CHRO/EEOC complaint challenging DOT's upgrade of Bohara to work as a TE 3 in TSHC; and

f. After Aubrey scored highest during the TE 3 interview process and was promoted to the TE 3 position at District 2, she complained after being locked out of the District 2 office by LaChance, Bohara and those acting in concert with them.

31 Prior to the filing period which predates Aubrey's June 20, 2006 CHRO/EEOC complaint, Defendants had engaged in an long course of discriminatory and retaliatory conduct, as more fully described in Aubrey's CHRO filings, which conduct constitutes evidence of Defendants' discriminatory and retaliatory animus toward Aubrey.

32. DOT has engaged in an ongoing pattern and practice of failing and refusing to promote females, which has continued throughout Plaintiff's employment and which continues today.

33. DOT District 2 male employees who have engaged in discriminatory and retaliatory conduct against Aubrey have been promoted and/or reclassified, including but not limited to LaChance, Bohara, Zawacki, Gosselin, McGuire and von Plachecki.

34. DOT Affirmative Action, under the direction of Donato, has engaged in a pattern and practice of retaliation against those who file CHRO/EEOC complaints of discrimination or who otherwise oppose discriminatory employment practices in the workplace, by

subjecting such individuals to unwarranted, unfair and biased investigations.

35. As a result of the forgoing acts on the part of the Defendants, Aubrey has suffered and will continue to suffer a loss of salary and benefits, a personal blemish on her career, loss of enjoyment of life, mental, physical and emotional distress, some of which has required and will require her to seek treatment, damage to her personal and professional reputation, and other losses. Some or all of these injuries may be permanent in nature.

36. The foregoing acts on the part of the Defendants were intentional, in that they were taken with an intent to injure Aubrey or in reckless disregard of her rights.

37. As a further result of Defendants' actions, Aubrey has incurred and will continue to incur reasonable attorney's fees and costs in pursuing this action.

**FIRST CAUSE OF ACTION: Discrimination and Retaliation: Violation of Connecticut Fair Employment Practices Act, Conn. Gen. Stat. Sec. 46a-51 *et seq.* as against the State of Connecticut Department of Transportation**

38. The foregoing actions on behalf of DOT violate CFEPA, Conn. Gen. Stat. Sec. 46a-51, *et seq.* in that one or more of the following were substantial motivating factors in causing DOT's conduct:

- a. Aubrey's gender, female; and
- b. Aubrey's opposition to discriminatory employment practices.

**SECOND CAUSE OF ACTION: Violation of Federal Civil Rights Act, 42 U.S.C. Section 1983 as against Charles LaChance**

39. As a result, in whole or in part, of the actions of LaChance, DOT District 2 male employees who have engaged in discriminatory and retaliatory conduct against Aubrey have been promoted and/or reclassified, including but not limited to LaChance, Bohara, Zawacki, Gosselin, McGuire and von Plachecki.

40. At various times during Aubrey's tenure at DOT she spoke out on matters of public concern, including, specifically, the following:

a. On or about December 17, 1998, Aubrey spoke up in support of a claim of sexual harassment made by a female coworker;

b. On or about January 22, 1999, Aubrey reported to Charles Panteleakos (then District Engineer) that she had personally observed LaChance, and other DOT employees in concert with him engaging in private work on state time and/or with the use of state resources;

c. In January 2004, Aubrey reported to Jim Mullen (then Principal Engineer) that LaChance was engaging in private work on state time and/or with the use of state resources;

d. On or about June 14 and June 16, 2004, Aubrey reported to Joseph Casavecchia (TE 3) and to Carl Nelson (District Engineer) that she had personally observed LaChance engaging in private work on state time and/or with the use of state resources;

e. On or about July 3, 2006, Aubrey filed a written complaint with the State of Connecticut Ethics Commission, a copy of which is attached as Exhibit E; and

f. On or about July 6, 2006, Aubrey repeated the allegations in her written complaint to the State of Connecticut Auditors of Public Accounts.

41. Throughout Aubrey's tenure at DOT, continuing through the present date, Aubrey has been subjected to ongoing discriminatory and retaliatory conduct by Defendant LaChance in violation of the Civil Rights Act, 42 U.S.C. Sec. 1983, based on one or more of the following:

a. Defendant LaChance discriminated against Aubrey based on her gender, female in violation of the equal protection clause of the United States Constitution in that Aubrey's gender was a substantial motivating factor in LaChance's conduct; and

b. Defendant LaChance retaliated against Aubrey in violation of the First Amendment of the United States Constitution in that Aubrey's protected speech was a substantial motivating factor in LaChance's conduct.

**THIRD CAUSE OF ACTION: Violation of Federal Civil Rights Act, 42 U.S.C. Section 1983 as against Carl Nelson**

42. As a result, in whole or in part of the conduct of Nelson, DOT District 2 male employees who have engaged in discriminatory and retaliatory conduct against Aubrey have been promoted and/or reclassified, including but not limited to Bohara, Zawacki, Gosselin, McGuire and von Plachecki.

43 At various times during Aubrey's tenure at DOT she spoke out on matters of public concern, including, specifically, the following:

a. On or about December 17, 1998, Aubrey spoke up in support of a claim of sexual harassment made by a female coworker;

b. On or about January 22, 1999, Aubrey reported to Charles Panteleakos (then District Engineer) that she had personally observed LaChance and other DOT employees in concert with him engaging in private work on state time and/or with the use of state resources;

c. In January 2004, Aubrey reported to Jim Mullen (then Principal Engineer) that LaChance was engaging in private work on state time and/or with the use of state resources;

d. On or about June 14 and June 16, 2004, Aubrey reported to Joseph Casavecchia (TE 3) and to Carl Nelson (District Engineer) that she had personally observed LaChance engaging in private work on state time and/or with the use of state resources;

e. On or about July 3, 2006, Aubrey filed a written complaint with the State of Connecticut Ethics Commission, a copy of which is attached as Exhibit E; and

f. On or about July 6, 2006, Aubrey repeated the allegations in her written complaint to the State of Connecticut Auditors of Public Accounts.

44. Throughout Aubrey's tenure at DOT, continuing through the present date,

Aubrey has been subjected to ongoing discriminatory and retaliatory conduct by Defendant Nelson in violation of the Civil Rights Act, 42 U.S.C. Sec. 1983, based on one or more of the following:

a. Defendant Nelson discriminated against Aubrey based on her gender, female, in violation of the equal protection clause of the United States Constitution in that Aubrey's gender was a substantial motivating factor in Nelson's conduct; and

b. Defendant Nelson retaliated against Aubrey in violation of the First Amendment of the United States Constitution in that Aubrey's protected speech was a substantial motivating factor in Nelson's conduct.

**FOURTH CAUSE OF ACTION: Discriminatory State Practices: Violation of Conn. Gen. Stat. Sec. 46a-99 as against the State of Connecticut Department of Transportation, Diane Donato and Vicki Arpin**

45. The aforesaid actions on the part of DOT, Donato and Arpin constitute discriminatory state practices in that they violate some of all of the following provisions: Conn. Gen. Stat. Secs. 46a-70, 46a-71, 46a-72, 46a-77, 46a-78.

46. Plaintiff is aggrieved by these actions.

**FIFTH CAUSE OF ACTION: Violation of Federal Civil Rights Act, 42 U.S.C. Section 1983 as against Diane Donato**

47. Since she began employment at DOT in 2005 and continuing through the present date, Defendant Donato has violated the Federal Civil Rights Act, 42 U.S.C. Sec.

1983, based on one or more of the following:

a. Defendant Donato retaliated against Aubrey for speaking out on a matter of public concern, namely, the existence of ongoing, systemic and pervasive gender discrimination and retaliation against those who complain of such discrimination, in violation of Aubrey's First Amendment rights;

b. Donato retaliated against Aubrey for filing complaints of discrimination and retaliation, thereby violating Aubrey's first amendment rights to petition the government;

c. Donato intentionally deprived Aubrey of her rights to equal protection under the law in that she caused her to be investigated and disciplined arbitrarily, treating her differently for reasons unrelated to a legitimate government objective; and

d. Donato intentionally deprived Aubrey of her rights to equal protection under the law in that she caused her to be investigated and disciplined, maliciously subjecting Aubrey to differential treatment.

**SIXTH CAUSE OF ACTION: Violation of Federal Civil Rights Act, 42 U.S.C. Section 1983 as against Vicki Arpin**

48. Since she began employment at DOT and continuing through the present date, Defendant Arpin has violated the Federal Civil Rights Act, 42 U.S.C. Sec. 1983, based on one or more of the following:

a. Defendant Arpin retaliated against Aubrey for speaking out on a matter of public concern, namely, the existence of ongoing, systemic and pervasive gender discrimination

and retaliation against those who complain of such discrimination, in violation of Aubrey's First Amendment rights;

b. Arpin retaliated against Aubrey for filing complaints of discrimination and retaliation, thereby violating Aubrey's First Amendment rights to petition the government;

c. Arpin intentionally deprived Aubrey of her rights to equal protection under the law in that she caused her to be investigated and disciplined arbitrarily, treating her differently for reasons unrelated to a legitimate government objective; and

d. Arpin intentionally deprived Aubrey of her rights to equal protection under the law in that she caused her to be investigated and disciplined, maliciously subjecting Aubrey to differential treatment.

**SEVENTH CAUSE OF ACTION: Sex Discrimination/Retaliation in Violation of Title VII, 42 U.S.C. Section 2000(e) et seq., as amended**

49. The foregoing actions on behalf of DOT violate Title VII, 42 U.S.C. Section 2000(e) *et seq.*, in that one or more of the following were substantial motivating factors in causing DOT's conduct:

a. Aubrey's gender, female; and

b. Aubrey's opposition to discriminatory employment practices.

**RELIEF**

Wherefore, Plaintiff claims:

As against the Defendant State of Connecticut Department of Transportation:

1. Back pay and benefits pursuant to Conn. Gen. Stat. Sec. 46a-104 and Title VII;
2. Attorney's fees and costs pursuant to Conn. Gen. Stat. Sec. 104 and Title VII;
3. Retroactive promotion and/or front pay, pursuant to Conn. Gen. Stat. Sec. 46a-104 and Title VII ;
4. Compensatory damages pursuant to Conn. Gen. Stat. Sec. 46a-104 and Title VII;
5. Punitive damages pursuant to Conn. Gen. Stat. Sec. 46a-104 and Title VII;
6. Prejudgment interest pursuant to Conn. Gen. Stat. Sec. 46a-104 and Title VII;
7. Injunctive relief pursuant to Conn. Gen. Stat. Sec. 46a-99 and Title VII; and
8. Such other and further relief as this Court deems just and proper.

As against the Defendants Charles LaChance, Carl Nelson, Diane Donato and Vicki

Arpin:

1. Compensatory damages under 42 U.S.C. Sec. 1988;
2. Punitive damages under 42 U.S.C. Sec. 1988;
3. Attorney's fees and costs under 42 U.S.C. Sec. 1988; and
4. Such other and further relief as this Court deems just and proper.

As against the Defendants Diane Donato and Vicki Arpin:

1. Injunctive relief pursuant to Conn. Gen. Stat. Sec. 46a-99; and
2. Such other and further relief as this Court deems just and proper.

PLAINTIFF

By: /s/ Kathleen Eldergill  
Kathleen Eldergill  
Federal Bar No. ct00024  
Beck & Eldergill, P.C.  
447 Center Street  
Manchester, CT 06040  
Tel: (860) 646-5606  
Fax: (860) 646-0054  
E-mail: keldergill@beckeldergill.com

**CERTIFICATION**

I hereby certify that on December 3, 2007, a copy of the foregoing Amended Complaint was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Kathleen Eldergill  
Kathleen Eldergill

**CERTIFICATION**

I hereby certify that a copy of the foregoing amended complaint was served by first class mail on the Commission of Human Rights and Opportunities, 21 Grand Street, Hartford Connecticut this 3<sup>rd</sup> day of December, 2007.

By: /s/  
Kathleen Eldergill

**A JURY TRIAL IS HEREBY DEMANDED.**

COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

FORM 500(3)

**RELEASE OF JURISDICTION**

COMMISSION ON HUMAN RIGHTS AND  
OPPORTUNITIES, ex rel.

Christine Aubrey  
Complainant

Date: November 1, 2007

vs.

State of Connecticut  
Department of Transportation  
Respondent

CCHRO CASE NO.: 0640456  
EEOC CASE NO.: 16aa601387

RELEASE OF JURISDICTION

Pursuant to Complainant's and/or Complainant's attorney(s) request dated **October 19, 2007**, the Commission on Human Rights and Opportunities hereby releases its jurisdiction over the above numbered and captioned complaint in accordance with Section 46a-101 of the Connecticut General Statutes. Also, in accordance with Section 46a-100, C.G.S. Complainant is hereby authorized to commence a civil action against the Respondent in the Superior Court for the judicial district in which the discriminatory practice is alleged to have occurred or in which the Respondent transacts business. If this action involves a state agency or official, it may be brought in the Superior Court for the Hartford-New Britain judicial district.

**Please be advised that, pursuant to CONN. GEN. STAT. §46a-103, the Complainant or Complainant's attorney must serve on the Commission, at 21 Grand Street, Hartford, Connecticut 06106 at the same time all other parties are served, a copy of any civil action filed pursuant to this release. The Commission must be so served because it has a right to intervene in any action filed based on a release of jurisdiction.**

In granting this release, the Commission expressly finds, in accordance with Sections 46a-100 and 46a-101(b) of the C.G.S., that all conditions precedent to the issuance of the release of jurisdiction have been complied with inasmuch as the complaint was filed in accordance with 46a-82 of the C.G.S and the complaint has been pending for a period of not less than 210 days, inasmuch as it was filed on **June 20, 2006** and is still pending on **November 1, 2007**, a period in excess of two hundred and ten (210) days.

Rev. 2/6/02

Moreover, there is no reason to believe that the complaint will be resolved within a period of thirty (30) days from **October 19, 2007** the date the Commission received Complainant's request for the Release of Jurisdiction, nor is the complaint currently scheduled for public hearing. [see Section 46a-101(c) of the Connecticut General Statutes].

The complainant must bring an action in Superior Court within ninety (90) days of receipt of this release and within two (2) years of the date of filing the complaint with the Commission. The Superior Court shall have such authority as is conferred upon it by Section 46a-104 of the C.G.S., and other laws of the State of Connecticut.

Concurrently, with the issuance of this Release of Jurisdiction, the Commission hereby administratively dismisses this complaint in accordance with Section 46a-101(d) of the Connecticut General Statutes. Furthermore, said dismissal is not subject to administrative judicial review.

Very truly yours,



Donald E. Newton  
Chief of Field Operations

Dated and entered of record in the Commission's Administrative Office in Hartford, Connecticut on this 1st day of November, 2007.

cc: Complainant: Christine Aubrey  
Complainant's Attorney: Attorney Kathleen Eldergill  
Certified Mail Receipt 7000 1670 0011 6271 3998  
Respondent(s): Ralph J. Carpenter, Commissioner  
State of Connecticut, Department of Transportation  
Respondent's Attorney: Attorney Paula Jean Yukna, State of Connecticut  
Department of Transportation  
Regional Manager: James Flynn, Regional Manager  
Eastern Regional Office

Rev. 2/6/02

**RECEIVED**

NOV 05 2007

BECK & ELDERGILL

COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

FORM 500(5)

**RELEASE OF JURISDICTION**

COMMISSION ON HUMAN RIGHTS AND  
OPPORTUNITIES, ex rel.

Christine Aubrey  
Complainant

Date: November 1, 2007

vs.

State of Connecticut  
Department of Transportation  
Respondent

CCHRO CASE NO.: 0740286  
EEOC CASE NO.: 16a200701140

RELEASE OF JURISDICTION

Pursuant to Complainant's and/or Complainant's attorney(s) request dated **October 19, 2007**, the Commission on Human Rights and Opportunities hereby releases its jurisdiction over the above numbered and captioned complaint in accordance with Section 46a-101 of the Connecticut General Statutes. Also, in accordance with Section 46a-100, C.G.S. Complainant is hereby authorized to commence a civil action against the Respondent in the Superior Court for the judicial district in which the discriminatory practice is alleged to have occurred or in which the Respondent transacts business. If this action involves a state agency or official, it may be brought in the Superior Court for the Hartford-New Britain judicial district.

**Please be advised that, pursuant to CONN. GEN. STAT. §46a-103, the Complainant or Complainant's attorney must serve on the Commission, at 21 Grand Street, Hartford, Connecticut 06106 at the same time all other parties are served, a copy of any civil action filed pursuant to this release. The Commission must be so served because it has a right to intervene in any action filed based on a release of jurisdiction.**

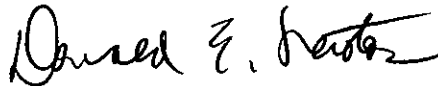
In granting this release, the Commission expressly finds, in accordance with Sections 46a-100 and 46a-101(b) of the C.G.S., as amended by PA 98-245, that all conditions precedent to the issuance of the release of jurisdiction have been complied with inasmuch as the complaint was filed in accordance with 46a-82 of the C.G.S. and the complaint has been pending for a period of less than 210 days, inasmuch as it was filed on **April 26, 2007** and is still pending on **November 1, 2007** and the parties have jointly requested a release.

Moreover, there is no reason to believe that the complaint will be resolved within a period of thirty (30) days from **October 19, 2007**, the date the Commission received Complainant's request for the Release of Jurisdiction, nor is the complaint currently scheduled for public hearing. [see Section 46a-101(c) of the Connecticut General Statutes].

The complainant must bring an action in Superior Court within ninety (90) days of receipt of this release and within two (2) years of the date of filing the complaint with the Commission. The Superior Court shall have such authority as is conferred upon it by Section 46a-104 of the C.G.S., and other laws of the State of Connecticut.

Concurrently, with the issuance of this Release of Jurisdiction, the Commission hereby administratively dismisses this complaint in accordance with Section 46a-101(d) the Connecticut General Statutes. Furthermore, said dismissal is not subject to administrative judicial review.

Very truly yours,



Donald E. Newton  
Chief of Field Operations

Dated and entered of record in the Commission's Administrative Office in Hartford, Connecticut on this 1st day of November, 2007.

cc: Complainant: Christine Aubrey  
Complainant's Attorney: Attorney Kathleen Eldergill  
Certified Mail Receipt 7000 1670 0011 6271 3981  
Respondent(s): Ralph J. Carpenter, Commissioner  
State of Connecticut, Department of Transportation  
Respondent's Attorney: Attorney Paula Jean Yukna, State of Connecticut  
Department of Transportation  
Regional Manager: James Flynn, Regional Manager  
Eastern Regional Office

**RECEIVED**

NOV 05 2007

ELDERGILL



U.S. Department of Justice

Civil Rights Division

NOTICE OF RIGHT TO SUE  
WITHIN 90 DAYS

CERTIFIED MAIL  
5057 3195

950 Pennsylvania Avenue, N.W.  
Karen Ferguson, EMP, PHB, Room 4239  
Washington, DC 20530

November 14, 2007

Ms. Christine E. Aubrey  
c/o Kathleen Eldergill, Esquire  
Law Offices of Beck & Eldergill  
Attorneys at Law  
447 Center St.  
Manchester, CT 06040

Re: EEOC Charge Against State of Connecticut, Dept. of Transportation  
No. 16A200601387

Dear Ms. Aubrey:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Rena J. Comisac  
Acting Assistant Attorney General  
Civil Rights Division

by

Karen L. Ferguson  
Supervisory Civil Rights Analyst  
Employment Litigation Section

cc: Boston Area Office, EEOC  
State of Connecticut, Dept. of Transportation



U.S. Department of Justice

Civil Rights Division

NOTICE OF RIGHT TO SUE  
WITHIN 90 DAYS

CERTIFIED MAIL  
5037 3195

950 Pennsylvania Avenue, N.W.  
Karen Ferguson, EMP, PHB, Room 4239  
Washington, DC 20530

November 14, 2007

Ms. Christine E. Aubrey  
c/o Kathleen Eldergill, Esquire  
Law Offices of Beck & Eldergill  
Attorneys at Law  
447 Center St.  
Manchester, CT 06040

Re: EEOC Charge Against State of Connecticut, Dept. of Transportation  
No. 16A200701140

Dear Ms. Aubrey:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Rena J. Comisac  
Acting Assistant Attorney General  
Civil Rights Division

by

Karen L. Ferguson  
Supervisory Civil Rights Analyst  
Employment Litigation Section

cc: Boston Area Office, EEOC  
State of Connecticut, Dept. of Transportation

**CONFIDENTIAL**  
(When Filled Out)

**OFFICE OF STATE ETHICS**  
**18-20 TRINITY STREET, SUITE 205**  
**HARTFORD, CONNECTICUT 06106-1660**

**COMPLAINT**

I wish to register with the Office of State Ethics a complaint alleging a violation of:

\_\_\_\_\_ The Code of Ethics For Public Officials and  
State Employees, Chapter 10, Part I, General Statutes

\_\_\_\_\_ The Code of Ethics for Lobbyists, Chapter 10, Part II,  
General Statutes

Time and date matters complained of occurred:

*Ongoing for many years, many dates & times.*

Place violation occurred: *Connecticut Dept. of Transportation*  
*District 2 Surveys*  
*171 Salem Turnpike, Norwich, CT 06360*

Persons involved:

*Charles LaChance, David Bohara,*  
*David Gosselin, John McGuire*

Witnesses:

*Several*

Circumstances which indicated that the Code of Ethics designated above was violated are as follows (a short, plain statement alleging a violation of Chapter 10, General Statutes):

*illegal activities, Charles LaChance supervision*  
*doing private work with subordinate employees*  
*on state work time*

(OVER)

I hereby certify under penalty of false statement that I believe that the foregoing statement describing a possible violation of the designated Code of Ethics is true.

*Christine E. Aubrey*

Signature

*7/3/06*

Date

Complainant's Name and Address (printed or typewritten):

*Christine Aubrey  
193 Vergason Avenue  
Norwich, CT 06360*

Complainant's Telephone Number:

*860-887-6644*

Mail or hand deliver this complaint to the:

*Joseph C. Casavecchia  
78 Wilmont St.  
Weathersfield, CT 06109  
860 257-0369*

Office of State Ethics  
18-20 Trinity Street, Suite 205  
Hartford, CT 06106-1660

**NOTE:**

- (1) This Complaint may not be withdrawn by you, the Complainant except with leave of the Office of State Ethics.
- (2) In addition to the criminal penalties that may be imposed upon a complainant who, under penalty of false statement, knowingly files a false complaint, the Code of Ethics provide that if any complaint is made with the knowledge that it is without foundation in fact, the person against whom the complaint is made (the respondent) has a cause of action against the complainant for double the amount of damage caused. If the respondent prevails in the action, the cost of the action together with reasonable attorneys fees may also be awarded the respondent by the court.
- (3) The Office of State Ethics preliminary investigation into a complaint is confidential, unless the respondent requests that it be open. Unless the Office of State Ethics advises you otherwise, the allegations in the complaint and any information supplied to or received from the Office of State Ethics shall not be disclosed during the investigation to any third party by the complainant, respondent, witness, designated party, Office of State Ethics staff member or the Citizen's Ethics Advisory Board.