

Law Offices of Rachel M. Baird

100 Pearl Street, 14th Floor
Hartford CT 06103-4500
Tel: 860.249.7238/Fax: 860.626.9992

Torrington Office

379 Prospect Street
Torrington CT 06790-5238
Tel: 860.626.9991/Fax: 860.626.9992
Toll free: 866.279.6402

Rachel M. Baird, Attorney
Web: RachelBairdLaw.com

July 18, 2008

By facsimile and United States, first-class mail

Brenda L. Sisco, Commissioner
Connecticut State Department of Administrative Services
165 Capitol Ave Rm 491
Hartford CT 06106-1658
Fax: (860) 713-7481

Re: Request for Conduct and Status Report of DAS SmART Unit Investigation

Complainant M. Peter Kuck

Dear Commissioner Sisco:

I represent M. Peter Kuck ("Mr. Kuck"), a member of the Connecticut State Board of Firearms Permit Examiners (BFPE).

As Mr. Kuck's representative, I raised concerns about the conduct of BFPE Executive Head Susan Mazzoccoli ("Ms. Mazzoccoli") by letter dated March 3, 2008, addressed to BFPE Secretary Joseph T. Corradino ("Secretary Corradino").

Secretary Corradino responded to my March 3, 2008, letter by separate letters dated May 14, 2008, to you, to Assistant Attorney General Matthew B. Beizer, and to me.

Agency Personnel Administrator Stephen Caliendo ("Mr. Caliendo"), by letter dated May 29, 2008, on Connecticut State Department of Administrative Services (DAS) letterhead, responded to Secretary Corradino. Mr. Caliendo confirmed receipt of Secretary Corradino's correspondence dated May 14, 2008, "with attached correspondence dated March 3, 2008, from Attorney Rachel M. Baird." Mr. Caliendo informed Secretary Corradino that the DAS Small Agency Resource Team ("SmART") staff would "be conducting an administrative investigation into the allegations by Ms. Baird concerning Ms. Mazzoccoli's conduct at prior Board meetings, before the FOIC, and the alleged destruction of public records." Mr. Caliendo continued by stating that "the investigation shall be conducted in order to determine whether or not there is 'just cause' for any possible disciplinary action against Ms. Mazzoccoli vis-à-vis the Regulations of Connecticut State Agencies section 5-240-1a(c)."

Mr. Caliendo then stated that “SmART Affirmative Action personnel shall conduct a separate and independent investigation of the alleged sexual harassment allegations by Ms. Mazzoccoli against Mr. Kuck in order to determine whether or not state or agency antidiscrimination policies have been violated.”

Mr. Caliendo references a two-part investigation in his letter comprised of a “human resources” investigation and an “affirmative action” investigation. He advises Secretary Corradino in his May 29, 2008, letter that “the Department of Administrative Services does not supervise Ms. Mazzoccoli or Mr. Kuck. Therefore, after the human resources and affirmative action investigations are completed, we will report all findings and recommendations to Christopher Adams, Chairman of the Board of Firearms Permit Examiners, and Governor M. Jodi Rell, the appointing authority of Mr. Kuck, for appropriate action as necessary.”

Affirmative Action Investigation

The SmART Unit, through EEO Specialist 2 Johnette Tolliver (“Ms. Tolliver”), addressed and disposed of the “alleged sexual harassment allegations by Ms. Mazzoccoli” in a timely manner. I was copied on three communications between Ms. Tolliver and Ms. Mazzoccoli including a two-page June 3, 2008, letter from Ms. Tolliver to Ms. Mazzoccoli, a two-page June 5, 2008, letter from Ms. Mazzoccoli to Ms. Tolliver, and a two-page letter from Ms. Tolliver to Ms. Mazzoccoli dated June 11, 2008, with an email attached dated June 5, 2008, from Ms. Mazzoccoli to Ms. Tolliver. These written communications reference at least one phone communication between Ms. Mazzoccoli and Ms. Tolliver. The June 11, 2008, letter from Ms. Tolliver to Ms. Mazzoccoli appears to have closed the matter with a finding that there were no “alleged ... allegations” by Ms. Mazzoccoli against Mr. Kuck and that Ms. Mazzoccoli was not sexually harassed.

Please confirm that the June 11, 2008, letter from Ms. Tolliver to Ms. Mazzoccoli is the report of the findings and recommendations following from the affirmative action investigation referenced by Mr. Caliendo in his May 29, 2008, letter and that the affirmative action investigation was recorded as unsubstantiated and so closed by Ms. Tolliver’s June 11, 2008, letter to Ms. Mazzoccoli.

Human Resources Investigation

Mr. Kuck and I are not aware of any action, timely or otherwise, taken by the SmART Unit, Mr. Caliendo, or any other DAS representative responsive to the concerns brought to the attention of Secretary Corradino in my letter dated March 3, 2008, that was then forwarded to you for action.

While it was Mr. Kuck who voiced concerns “of inappropriate conduct by Ms. Mazzoccoli,” no one in DAS has communicated any intention, with the exception of Mr. Caliendo’s May 29, 2008, letter to Secretary Corradino, to investigate Mr. Kuck’s allegations. Secretary Corradino states that the BFPE does not have supervisory authority over Ms. Mazzoccoli. Mr. Caliendo states unequivocally that DAS does not supervise Ms. Mazzoccoli or Mr. Kuck. Mr. Caliendo informs secretary Corradino that DAS will “report all findings and recommendations to Christopher Adams, Chairman of the Board of Firearms Permit Examiners, and M. Jodi Rell, the appointing authority of Mr. Kuck, for appropriate action as necessary.”

Mr. Caliendo is not clear what authority, if any, Christopher Adams will have to respond to the report and findings about Ms. Mazzoccoli especially given Secretary Corradino's position that the BFPE does not supervise Ms. Mazzoccoli. While Mr. Caliendo states that the Governor is the appointing authority for Mr. Kuck, Mr. Caliendo does not state what supervisory relation the Governor has to Ms. Mazzoccoli, if any, and whether the reports and findings about Ms. Mazzoccoli will be reported to the Governor or whether the BFPE Chairman and the Governor will receive only the report and findings about Mr. Kuck because Mr. Kuck is a member of the BFPE and the Governor is the appointing authority.

So that I may ensure that this letter will be acted upon, if I may ask you to confirm whether or not you perform any supervisory role in relation to Ms. Mazzoccoli in her current employment as the BFPE Executive Head and whether this supervisory role, if it exists, is as Ms. Mazzoccoli's immediate supervisor. If you are not Ms. Mazzoccoli's immediate supervisor, I request the identity of the individual having supervisory authority over Ms. Mazzoccoli in her current employment as BFPE Executive Head and that supervisor's title and position of employment with the State of Connecticut. As Secretary Corradino and Mr. Caliendo seem to confirm, it is questionable whether anyone, other than the Governor, performs any supervisory role in relation to Ms. Mazzoccoli in her present employment as the BFPE Executive Head.

Perhaps the reason why no human resources investigation has been conducted lies with the absence of a chain of supervision to ensure accountability in the performance of the BFPE Executive Head position.

Finally, please inform me of any action taken to this point in furtherance of the human resources investigation, its current status, and future actions intended toward its completion. I do know that the complainant, Mr. Kuck, has not been contacted as Ms. Mazzoccoli was contacted by the SmART Unit. This absence of contact between an investigatory unit and a complainant is unusual.

Sincerely,

Rachel M. Baird, Attorney

c: M. Jodi Rell, Governor, State of Connecticut
Office of the Governor
State Capitol
210 Capitol Ave
Hartford CT 06106-1562

Joseph T. Corradino, Secretary
Connecticut State Board of Firearms Permit Examiners
505 Hudson St Fl 5
Hartford CT 06106-7107