

STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS & OPPORTUNITIES

AFFIDAVIT OF ILLEGAL DISCRIMINATORY PRACTICE

Date Received: 4/6/2017

Case No: 1710321

1. My name is Marilee Corr Clark, and I reside at

1. I am over the age of 18, and I understand the obligation of an oath.
2. I am employed by Respondent State of Connecticut Department of Revenue Services ("DRS") as Tax Legal Director.
3. DRS has several locations in Connecticut. I work at its Hartford location, which recently relocated to 450 Columbus Boulevard in Hartford, Connecticut.
4. Respondent Louis Bucari is the General Counsel and First Assistant Commissioner of Respondent DRS.
5. I believe that at its various locations, DRS employs more than 500 people.
6. I began working for DRS on March 4, 2013, as a Tax Attorney 2.
7. On March 21, 2014, I was promoted to the title of Tax Legal Director and was to act as the director of the newly formed Office of Counsel, a consolidation of DRS's former Legal and Litigation Divisions.
8. As of that date, I was responsible for all of DRS's legal and litigation functions and reported directly to Bucari, who oversaw my unit, the Appellate Division, the Special Investigations Service, and the Tobacco Tax Enforcement Section.
9. As of the date of my promotion, I supervised nine employees: John Bashar, Armida Crowley, Matthew Dayton, Erica McKenzie, Jean Morrison, Clara Raymond, Tammy Rollins, Shawn Sims and Sandra Wilcox.

10. During the spring of 2014, I interviewed applicants for the position of paralegal to assist the Office of Counsel. On June 13, 2014, Stacey Williams began working for DRS as a paralegal for the Office of Counsel and reported directly to me. Bucari was not involved in the interview or hiring process.

11. At various times between June 2014 through April 2015, I was approved for intermittent leave under [redacted] related [redacted]

12. In the fall of 2014, I became aware that Bucari had attempted to initiate a romantic relationship with McKenzie.

13. McKenzie informed me that she had proof of his attempts, but would not provide any evidence to me.

14. I asked Bucari if he had any romantic feelings for McKenzie, and he denied them.

15. Around that same time, I talked to Jeanette Perez, DRS Human Resources Administrator, regarding whether there was anything that I should do without direct proof of an inappropriate relationship. I was told that making such an allegation would be a serious matter, injurious to all involved, and should not be done without proof.

16. Upon information and belief, a romantic relationship between Bucari and McKenzie began no later than January 2015.

17. At or around that same time, and subsequent to my report to HR, Bucari started assigning work to McKenzie without my knowledge, circumventing my authority as her direct supervisor and interfering with my ability to do my job.

18. In the spring of 2015, Bucari also started assigning work to Williams without my knowledge, again circumventing my authority as her direct supervisor and interfering with my ability to do my job.

19. In the spring of 2015, Bucari and McKenzie began actively hiding work from me.

20. For example, during the 2015 legislative session, Bucari assigned McKenzie the drafting of several DRS proposals without my knowledge and without giving me the ability to review her work. McKenzie was a Tax Attorney 1 at the time, which is described as an entry-level class and is intended to be a position primarily focused on legal research and review.

21. The formulation of DRS policy is well outside the scope of the job responsibilities for a Tax Attorney 1, and should have been my responsibility given that the Tax Legal Director is tasked with representing the Commissioner with respect to proposed legislation and more broadly is charged with formulating program goals and objectives and the development of related policy.

22. In April 2015, I received notice from Human Resources that McKenzie's job classification had been changed and that her salary had been increased. I learned that Bucari sought the job classification change and the salary increase for McKenzie only, and not for any other DRS attorneys, and did so without any notification to me, her direct supervisor.

23. Things got progressively worse as time passed. I believed that given the environment that Bucari had created, the only way I would be able to receive work assignments and information necessary to do my job would be to engage in a personal, romantic relationship with Bucari. That was unacceptable to me.

24. In the summer of 2015, Bucari began refusing to allow me to go to any pretrial conferences, even those conferences I specifically requested to attend due to the significance of the matters at issue. Instead, Bucari brought McKenzie, over my objections and despite her inexperience.

25. Bucari also began settling litigation cases without my knowledge, which resulted in at least one settlement with terms that did not comply with state law regarding interest.

26. The relationship between Bucari and McKenzie became so apparent that it was uncomfortable for other employees; I received comments and complaints about their behavior both from employees who reported to me and employees who did not report to me.

27. In early October 2015, I learned from Human Resources that Bucari had requested and posted a position for a Tax Attorney, without my knowledge - even though any new hire would report directly to me.

28. On October 6, 2015, I complained to DRS Human Resources, and specifically to Perez, about the fact that Bucari had created a hostile work environment with his sexual favoritism of McKenzie and that Bucari had discriminated against me for having taken leave.

29. Perez immediately brought me upstairs to discuss my complaint with the DRS Commissioner, Kevin Sullivan.

30. For a short period of time after that complaint, Bucari and I did not have any interaction with each other; all interactions were mediated through Sullivan.

31. On October 15, 2015, Human Resources informed me that the Tax Attorney position was on hold. Once again, Bucari did not see fit to inform me about the staffing of my own department.

32. Even after I made my complaint to HR, Bucari and McKenzie continued to hide work from me, and Bucari settled litigation cases without my knowledge.

33. When I contacted Perez to make further inquiries about my complaint, I was told that Bucari was too important to DRS for any serious discipline to be imposed.

34. On November 10, 2015, I met with Bucari and Perez about work assignments. I was informed that going forward, Bucari would be primarily responsible for litigation, but

that he should be keeping me informed as to the work that he and McKenzie were doing on the active cases.

35. I believe that this instruction effectively made Bucari's campaign of hiding work from me and interfering with my job performance an HR policy.

36. On November 18, 2015, I requested a copy of DRS's investigatory report with respect to my HR complaint, as well as any conclusions that were made. To date, I have not received a copy of the report or any conclusions.

37. Bucari continued to hide work from me and to assign important legal projects to McKenzie without my knowledge.

38. For example, on November 30, 2015, DRS received a petition for a declaratory ruling. Bucari shared this information and the petition with McKenzie on the date it was received. Bucari did not provide me with a copy of the petition until I specifically requested it after hearing about it on the news.

39. I also learned from the news that McKenzie, who was still one of my direct reports and a Tax Attorney 1, had been named the hearing officer for that petition, with "full authority to issue a final decision" in the matter on the Commissioner's behalf.

40. For the 2016 legislative session, Bucari assigned McKenzie the drafting of several DRS proposals without my knowledge or the ability to review the proposals before they were submitted to the legislature.

41. On February 9, 2016, I asked HR about a managerial transfer because Bucari's actions were making it impossible for me to adequately perform my job responsibilities.

42. When I complained, I was informed that I would need to apply for any open positions with other state agencies. However, I was unable to do so because Bucari had not

signed or submitted my service rating for 2015, so I did not have the two years of service ratings required by relevant state positions.

43. On April 11, 2016, Bucari demanded that I stop assigning work to Williams, even though she reported to me. I believe he did so because McKenzie and Williams had developed a friendly relationship, so Bucari wanted McKenzie - a Tax Attorney 1 - to be able to directly assign work to Williams.

44. On July 12, 2016, my job duties were officially and substantially revised when litigation was formally removed from my job responsibilities and I was reassigned to head the Office of Legal & Research, where my primary responsibility was to be drafting, monitoring and implementing legislation and otherwise managing all aspects of the legislative process with respect to DRS. I was also to be responsible for drafting all rulings and opinions about legal interpretations of Connecticut tax statutes.

45. McKenzie and Williams were removed from my supervision and were reassigned to report to Scot Anderson, who directly reports to Bucari. I was reassigned to directly report to Joseph Mooney, DRS Deputy Commissioner.

46. Despite the supposed removal of litigation from my job responsibilities and my loss of two employees, I was still tasked with some work that had formerly been performed by litigation attorneys, specifically penalty waiver recommendations and recommendations that Sullivan exercise his discretion to revise assessments pursuant to General Statutes § 12-39a.

47. Moreover, although all tax work on insurance and health care centers was to be done by employees who no longer reported to me, it was somehow to be done "in coordination with" me - an obviously unworkable situation.

48. On September 22, 2016, DRS released a declaratory ruling regarding the hospital tax set forth in Chapter 211a of the General Statutes. Bucari did not allow me to review a draft of

the ruling before it was released, nor did he notify me about the ruling or provide me with a copy of it at the time it was released.

49. Instead, I learned about it from a third party and received a copy of it from another state agency.

50. On September 23, 2016, I specifically requested from Anderson, McKenzie's supervisor, a copy of the ruling and the related summary that were issued. I further requested that I be able to "see a copy of any legal decisions, ruling, or correspondence before they go out."

51. Three days later, I received a copy of the declaratory ruling when it was included in an email sent to the entire agency.

52. To date, despite my repeated requests and despite my supposed responsibility for the drafting of all rulings and opinions issued by DRS, I have not received any drafts or final documents with respect to the insurance or health care taxes work that I am supposed to be coordinating.

53. In mid-October 2016, I discovered that Bucari had maintained contemporaneous access to my email without my knowledge or consent, and that he had used such access to monitor my activities and forward emails to McKenzie. I later discovered that Bucari has also provided McKenzie and Williams with access to my email account without my knowledge or consent during a period when both of these individuals were reporting to me.

54. To date, Bucari continues to maintain a relationship with McKenzie that is uncomfortable for me and for other DRS co-workers. He also continues to withhold information necessary for me to adequately perform my job functions, while assigning high-level legal work to individuals who are my subordinates.

55. I have gone from supervising and managing a department with nine employees to supervising only five employees, with significantly different job duties.

56. As described above, I believe that I have been the victim of a campaign of harassment, discrimination and retaliation, all arising out of Bucari's inappropriate personal relationship with a subordinate employee and my attempts to report that behavior, as well as my use of leave. The treatment I have been subjected to has substantially interfered with my work performance to the point where I have been effectively demoted, and Bucari's sexual favoritism has generally created a hostile and offensive work environment for me and other DRS employees.

57. The above-described actions are in violation of state and federal law, including Conn. Gen. Stat. § 46a-60(a)(1), (a)(4), (a)(5), (a)(8); Conn. Gen. Stat. § 46a-70; Conn. Gen. Stat. § 46a-71; the Family and Medical Leave Act of 1993, as amended, 29 U.S.C. § 2601 et seq.; and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. and the Civil Rights Act of 1991.

Based on the above, I request the Connecticut Commission on Human Rights & 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.


I hereby, being duly sworn, on oath, state that I am the Complainant herein; that I have read the foregoing Complaint and know the content thereof; and that the same is true of my own knowledge, except as to matters therein stated on information and belief, at that as to those matters, I believe the same to be true.

Dated at Glastonbury, Connecticut, this 6th day of January, 2017.



Marilee Corr-Clark

Subscribed and sworn to before me this 6th day of January, 2017.



Emily A. Giacchino
Commissioner of the Superior Court

CHRO No. 1710321

EEOC No. 16A-2017-00531

STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

THIS SECTION TO BE FILLED OUT BY CHRO STAFF
Respondent violated the following statutes and acts listed below, as amended, enforced through Conn. Gen. Stat. §46a-58(a) if applicable.

<input checked="" type="checkbox"/> 46a-60(a)(1)	<input checked="" type="checkbox"/> 46a-60(a)(4)	<input checked="" type="checkbox"/> 46a-60(a)(5)	<input type="checkbox"/> 46a-60(a)(7)	
<input checked="" type="checkbox"/> 46a-60(a)(8)(L)(i)	<input type="checkbox"/> 46a-60(a)(9)	<input type="checkbox"/> 46a-60(a)(10)	<input type="checkbox"/> 46a-60(a)(11)	
<input type="checkbox"/> 46a-63	<input type="checkbox"/> 46a-64(a)	<input type="checkbox"/> 46a-66(a)	<input type="checkbox"/> 46a-70a	<input checked="" type="checkbox"/> 46a-71
<input type="checkbox"/> 46a-75	<input type="checkbox"/> 46a-80	<input type="checkbox"/> 46a-81c	<input type="checkbox"/> 46a-81d(a)	
<input type="checkbox"/> 46a-81f	<input type="checkbox"/> 46a-81g	<input type="checkbox"/> 46a-81h	<input type="checkbox"/> 46a-81i	<input type="checkbox"/> 10-15(c)

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C 2000e and the Civil Rights Act of 1991 (15 + employees) Age Discrimination in Employment Act of 1967, 29 U.S.C. 621-634 (20+ employees and over the age of 40) Equal Pay Act of 1964

Americans With Disabilities Act, 42 U.S.C. 12101 et seq.

Rehabilitation Act of 1973, as amended

Other: Conn. Gen. Stat. § 46a-70; Family and Medical Leave Act of 1993, as amended, 29 U.S.C. § 2601 et seq.