

Sec. 46a-54-57a. Default for failure to answer interrogatories, respond to subpoena or attend a mandatory mediation session

(a) The executive director may enter an order of default against a respondent who, after notice, fails to answer interrogatories issued pursuant to section 46a-54(11) of the Connecticut General Statutes, fails to respond to a subpoena issued pursuant to section 46a-54(9) of the Connecticut General Statutes or section 46a-83(h) of the Connecticut General Statutes or fails, without good cause, to attend a mandatory mediation session.

(b) A commission attorney or investigator or a complainant may request that the executive director enter an order of such default by mailing a request to enter default to the executive director and copies to the complainant or the commission and the respondent. Service upon the respondent shall be made by certified mail, return receipt requested, or other mail service that confirms receipt. The stamped "Receipt for Certified Mail" or other mail service's confirming receipt shall be prima facie proof of the date of mailing.

(c) After fifteen (15) days from the mailing of the "Request to Enter Default," the executive director may issue an order of default or deny the request, provided that no default shall enter if the respondent has answered the interrogatories under oath or has responded to the subpoena in accordance with the Connecticut General Statutes and section 46a-54-52a or 46a-54-53a of the Regulations of Connecticut State Agencies.

(d) If the respondent files a written objection specifically stating the reasons for its objection not later than fifteen (15) days after the mailing of the "Request to Enter Default," the executive director shall consider the reasons set forth in the objection. If an objection is filed, the executive director shall allow the commission counsel or a complainant requesting the default order to respond fully to the objection.

(Adopted effective November 4, 2002)