

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

TAX AND ADMINISTRATIVE COURT

20 FRANKLIN SQUARE

NEW BRITAIN, CT

FAIR HEARING REQUEST CASE NO. 434921

STATE CASE NO. HHB-CV: 13-5015788

APPELLATE CASE NO. A.C. 36729

FEDERAL CASE NO. 3:15 CV 01521

JOAN ZANARD-KLOTH :

PLAINTIFF :

V. :

DEPARTMENT OF SOCIAL SERVICES. Et.al :

February 25, 2016

AFFIDAVIT

The within named person (Affiant), Joan T. Kloth-Zanard, who is a resident of New Haven County, State of Connecticut, personally came and appeared before me, the undersigned Notary Public, and makes this his/her statement, testimony and General Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of his/her knowledge:

- 1991: Americans with Disability Act, Title II and the DOJ’s 28 CFR make it mandatory that all government agencies must comply with ADA notifications and information about modifications and assistance on all of their federal and state forms by January 26, 1992.

- January 1992: Plaintiff begun to go to college to finish her degree in Exercise Science and Assistant Physical Therapist and to be combined with Massage Therapy degree and dance training.
- May 1992: Plaintiff receives first certification in Exercise Science but is still in school for Assistant Physical Therapist.
- May 15, 1993: Plaintiff becomes pregnant with her daughter.
- July 1993: Plaintiff is attacked by her daughter's father at the Bronx Zoo and his eldest son has to get his father to back off of her.
- August 1993: Plaintiff is attacked for a second time by her daughter's father. She realizes that she will probably be a single mother and needs a better way of supporting herself than just as an Assistant Physical Therapist/massage therapist with Exercise science. She begins to apply to colleges to get a BS in Physical Therapy.
- October 1993: Plaintiff's is physically attacked and strangled at 5 months pregnant by her daughter's father. Father arrested but his parents bail him out. Two weeks later he goes after his parents with a knife. He is arrested and institutionalized at Bergen Pines Hospital for Substance abuse. This is the 3rd time he has physically attacked her.
- January 1994: Courts issue a permanent restraining order to protect Plaintiff from daughter's father. Cannot place restraining order on unborn child.
- February 22, 1994: Daughter is born and a permanent restraining order is placed to protect plaintiff's daughter.
- April 1994: Plaintiff and her 2-month old baby become homeless.
- On or about June of 1994: Plaintiff is accepted into college at Sacred Heart University in Fairfield, CT to complete her education in Physical Therapy to begin in January 1995.

- January 15, 1995: Plaintiff moves to CT, a homeless, single mother and victim of DV with an 11-month old child. She came to CT to finish the last 12/18 months of her education in physical therapy so she could be self-sufficient.
- On or about January 15, 1995, Plaintiff applies for food stamps and energy assistance with DSS. Plaintiff provides DSS with the restraining order against her daughter's father, her Section 8 Housing Voucher and other information of the duress she is under. This should have been a red flag for DSS that the plaintiff surely had hidden stressors and disabilities related to Domestic Violence abuse. Application forms (per evidence supplied by the Defendant) does NOT have the ADA mandatory government requirements under Title II of the ADA and 28 CFR section 35. Violation of Federal Codes and Laws: See Raymond v. Rowland.
 - a) January 20, 1995: Landlord refused to sign Plaintiff's Section 8 lease. Plaintiff and her daughter are being forced homeless again. DSS and her School, Sacred Heart University, tell her to put school off until September 1995 so she can get the housing situation resolved. Under the Welfare Reform Act of 1994/95, Welfare Recipients had to be enrolled in school by July 1995. Plaintiff was enrolled in January 1995, but told to put it off by DSS who failed to inform her that she might not be able to go to school unless she was re-enrolled before July 1995. Furthermore, under the Family Violence Act, Welfare recipients are not held to the same set of time constraints related to attending school, of Family Violence Laws by Sandra Norman-Eady, October 2, 2009, 2009-R-0349 An Act Concerning Welfare Reform and The Expenditures Of The Department of Social Services (PA 97-2, June 18 Special Session) The act exempts Temporary Family Assistance applicants and recipients who are victims of family violence from job training,

work placement assistance, subsidized and unsubsidized employment, and child support enforcement requirements. It defines a domestic violence victim as someone who has been battered or subjected to extreme cruelty by (1) physical acts that resulted in, or threatened to result in, physical injury; (2) sexual abuse; (3) sexual activity involving a child in the home; (4) being forced to participate in sexual acts; (5) mental abuse; or (6) neglect or medical care deprivation. Furthermore, under the *104th Congress (1995-1996) H.R.3734.ENR, 7(iii) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.*

- On or about January 25, 1995: Plaintiff is forced to divulge her attackers name and contact information despite permanent restraining orders to the contrary. She also must now sign up for Medical insurance temporarily until she can begin school again in September 1995.
- May 1995: Plaintiff goes to housing court and wins her case. Judge tells the Landlord they must sign the section 8 lease.
- August 1995: Plaintiff has re-enrolled in school and is ready to start when Department of Social Services denies her the right to her education that they specifically told her to put on hold until September 1995. She is told that if she attends, she will loose her housing, food stamps and energy assistance. Plaintiff attempts to fight this but is not legally savvy

and does NOT know there are laws in place to protect her under the Family Violence Act and ADA acts for hidden disabilities as well as the 104th Congress (1995-1996) H.R.3734.ENR, 7(iii).

- Spring of 1996: DSS tries to harass the plaintiff about her housing lawsuit related to another tenant who has been harassing and bullying plaintiff. Not only is this a non-monetary issue, it is also illegal for DSS or anyone to demand information on a lawsuit that is either a Discrimination or Housing complaint. Housing issue is found in plaintiff's favor and she retains her living situation. There is no monetary gain but DSS continues to leave a claim against the Plaintiff and her attorney for this housing case.
- May 7, 1997: A fire burns Plaintiff and her daughter out of their home forcing them homeless again. They finally find a new place but CT's Housing Authority for Section 8 programs says they cannot move to this particular town because it is too nice and that they need to live in the projects. This agency attempts to use false claims of non-compliance with the Section 8 rules to force her to find a new place in the projects. Plaintiff contacts Jerry Benoit at the Federal HUD program. He basically tells CT Section 8 to cut it out and that the point of HUD and Section 8 program is to actually get families out of the poor neighborhoods and into better areas so they can move on and hopefully off of the system with their families. The woman at Section 8 was furious and continued to try to find ways to force Plaintiff out of her Section 8 housing. CT HUD agent repeatedly sent people over to the plaintiff's home with spot inspections to try to find fault with her housing so that they could pull her section 8. Ultimately, the Plaintiff became engaged and off of housing assistance.
- Fall of 1997: Plaintiff continues to be attacked by CT State agencies when she is falsely

accused of neglecting her daughter. The case is thrown out, and dismissed with prejudice. The Judge severely admonishes the Department of Children and Family Services. They are furious. Unbeknown to the Plaintiffs is the fact that, DCF has placed their names on DCF's Abuse and Neglect registry despite no substantiated charges and the case being dismissed. The plaintiffs are also never formally notified in writing of this placement on the Abuse and Neglect registry. It takes another 15 years to find out that they are on this list, despite the fact that the Plaintiff Kloth-Zanard was constantly applying for jobs with the state of CT. By policy and procedure, anyone who pulls a background check and in specific for employment is and was obligated to notify her that she was on this list. The State of CT's various jobs that the Plaintiff applied for to work with families and children never notifies her of this, thus leaving them on this list for 15 years.

- Over the next few years, Plaintiff discovers consistent fraud with many of the dentists on their Medicaid plan. She attempts to bring this to DSS's attention. DSS is not happy with her for bringing this to their attention and disclosing these issues. She is actually scolded on numerous occasions and actually told to stop complaining, as she gets free medical care. The Plaintiff tries to explain that if she's going to get these free services then it is her responsibility to also make sure that the Tax Payers are NOT being charged for services that are never rendered to her family or for unnecessary services rendered to her family as it is the tax payers that are helping to keep her medically covered. DSS does not care and refuses to investigate her complaints. Plaintiff finds out that 8 years after she complained that DSS finally listened to someone else and removed the offending dentists.
- 2006: Plaintiff's daughter is an avid athlete and she is trying to keep her involved in her

outside school sports. An article is published about the plaintiff's daughter's Figure Skating and a nonprofit that people can donate to that will help pay her figure skating expenses. These donations are paid directly to the programs and instructors by the nonprofit on behalf of the plaintiff's daughter. No money donated ever touches the plaintiff's hands. But apparently, someone from DSS is still stalking her and sees this article. DSS decides that the Plaintiffs are hiding money and not reporting all of their income and in particular, donations from the figure skating nonprofit. Not only did the nonprofit only get one \$50 donation, but the money was NEVER directly received by plaintiff but instead paid directly to one of the billers. But DSS was already on roll trying to go after the Plaintiffs for supposed Fraud. They spend two and half years investigating the Plaintiffs.

- Finally in 2008, DSS tried to accuse the Plaintiffs of fraud by claiming that the Plaintiffs had not reported all of their income. Plaintiffs attended an informal fair hearing where it was determined that not only were they not hiding any money, but they never got any extra money, and that the state had double dipped the plaintiff's husband's income. The hearing officer further stated that the DSS casework who had done the investigation was violating the agencies own policies and procedures related to home businesses/self-employed individuals as to how they must first deduct all of their business expenses before they got to a bottom number to report, just like when filing with the IRS. The case was dismissed in the plaintiff's favor. DSS is furious because this is their 4th or 5th attempt to destroy the plaintiffs that has failed.
- In Spring/Summer of 2009: Plaintiff ends up in a wheel chair diagnosed with degenerative joint disease, stress, anxiety and PTSD. After 13 years of un-employability and

harassment by the State and its agencies, the plaintiff is emotionally destroyed and devastated with several bouts of serious mental crisis from their abuse necessitating permanent mental health intervention.

- Fall of 2010: Disability Hearing is held and the plaintiff becomes formally and legally disabled with Degenerative Joint Disease, Stress, Anxiety and PTSD.
- Fall of 2011: DSS claims that Plaintiff received cash assistance from 1995-1998. They are using a “reconstructed” spreadsheet to claim Plaintiff got somewhere between \$22,000-\$25,000 in cash assistance. DSS admits that this spreadsheet is reconstructed and they do not know from what, by who, when or where. Plaintiff contests the state’s claims and their spreadsheet.
- February 2, 2012, Plaintiff receives letter that an open-ended lien will be placed on her home.
- February 7, 2012: Plaintiff files for a Fair hearing and sends her first letter contesting the lien and the “reconstructed” spreadsheet. She also demands through FOIA a copy of all of her records dating back to 1995.
- February – November 2012: Plaintiff repeatedly requests assistance, accommodations and modifications for her ADA issues. She repeatedly explains to DSS that she is legally disabled with hidden disabilities of stress, anxiety and PTSD. She is refused any modification or advocacy.
- February – November 2012: Plaintiff tries to obtain pro-bono legal assistance through State Wide Legal Services but is told that the Governor has barred them from helping anyone who is fighting a lien upon them by the state for assistance.
- February – November 2012: Plaintiff writes to numerous agencies for assistance including but not limited to Senators, Congressman, ACLU, ADA, and victims advocates.

- February – November 2012: Plaintiff tells DSS that she needs an attorney but cannot afford one but because of her hidden disabilities it will be difficult if not near impossible for her to help herself during the hearing. Plaintiff is told that she does not need an attorney, nor does she need to be an attorney. That this hearing is INFORMAL, and just a chance for her to present her side of the story.
- February 27, 2012, Lien officially placed on the Plaintiff's property with no amount and for past, present and future debt. Essentially, this lien can never be satisfied as there is no amount, nor start or end date. This is an unsubstantiated lien upon her and her property with no authenticity of evidence to back up the state's or DSS's claims other than an admitted reconstructed spreadsheet that no one knows who, what, where or when it was created.
- March 17, 2012, Plaintiff again sends another letter to DSS contesting and disagreeing with the states reconstructed spreadsheet and the lien upon her and her property.
- May 2012: At the same time the lien is placed, Plaintiff was in the process of attempting to apply for a volunteer job with a private agency. This agency ran a background check and per the rules of employment, immediately notified the plaintiff that she was listed on DCF's Abuse and Neglect Registry. This is when the plaintiff and her spouse finally find out why for 15 years, they have been unable to be gainfully employed.
- June 2012: Plaintiffs immediately demands a copy of their DCF files. Once received it is obvious that there was no reason for this placement on the list, as the files clearly indicate there are no substantiated charges and the file notes state the case has been dismissed. The plaintiff and her husband immediately demand their names be removed. Within a month, their names are removed but the damages have been done as the plaintiffs are now

into their 50's and have no work history, along with being aged out of the workforce.

- June 22, 2012: Plaintiff sends an email and snail mail letter to the Attorney General explaining her situation and asking for assistance.
- July 3, 2012: Plaintiff again sends an email to the AG this time with even more detailed information about her situation and requests assistance.
- July 15, 2012: AG Jepsen replies with a letter stating his office will look into the matter. Plaintiff tries to reach out for follow up but gets no responses to her messages.
- August 2012: Plaintiff continues to file numerous FOIA requests and follow ups to FOIA requests.
- August 2012: It takes about 8 months for the State of CT/DSS to finally admit they cannot produce her records prior to 2010 and that they fear they have been destroyed or lost.
- November 29, 2012: During the Fair Hearing for the lien, the plaintiff's ADA rights, Constitutional Rights and Civil rights are violated. The fair hearing officer refuses to allow the plaintiff to submit any evidence. During the hearing, the Plaintiff is rudely treated and spoken too. She eventually breaks down into hysterics. Instead of the hearing officer making a modification as early requested and asking if the plaintiff would like to take a break, the hearing officer, instead, shuts down the hearing before the plaintiff can even present her case. The plaintiff has not been allowed to question the state's witness or even contest the spreadsheet on the record. The Fair Hearing Officer tells Plaintiff she can submit all of her evidence via the state's witness who will copy and send it to the Hearing Officer for review. Plaintiff complies with this providing the hearing officer with notebooks of evidence.
- January 15, 2013: Fair Hearing Officer denies Plaintiff's case for lien removal

- January 18, 2013: Plaintiff knows that she will never get a fair trial but must go through the proper procedure and files a Motion for Reconsideration.
- January 23, 2013: Plaintiff's Motion for Reconsideration is denied.
- February 29, 2013: Plaintiff files an Appeal to Tax and Administrative Court.
- January 15, 2014: After much delay, an Appeal Hearing in the Tax and Administrative Courts is held. During this hearing, the plaintiff is not allowed to present very much and is told that all her evidence is already on the record from the Fair Hearing. But during the hearing, the judge admits that there is no way to tell if the "reconstructed" spreadsheet that the state and DSS are using to claim the plaintiff owes money is valid or whether someone has accidentally pressed a 4 instead of a 1. The Judge also asks the Attorney General what a Fair Hearing is basically like. The AG admits that it is a very informal process and thus does not really follow the rules of a regular court in the presentation or application of rules and objections to evidence.
- March 20, 2014: Memorandum of decision where in Judge Prescott of the Tax and Administrative Court denies the plaintiffs appeal. Reasons given are that Plaintiff never objected to the spreadsheet and that the state's witness can validate the reconstructed spreadsheet. First, the plaintiff was not given the opportunity during the hearing to even present her case so how could she object. Secondly, she did contest and disagree formally with this spreadsheet in two letters dated Feb. 7, 2012 and March 17, 2012. Both of these letters were admitted into evidence by the Plaintiff and then by the AG for the Defendant and the Judge stated that all of this was in the files already. Plaintiff was held to a higher set of standards than all other fair hearing participants. Furthermore, it would be impossible for the state's only witness to validate the spreadsheet when he did

not know the plaintiff, was never her case worker, did not know who created the spreadsheet, or how it was created, or when it was created or with what it was created.

Furthermore, via the State's own evidence, the Plaintiff's ADA rights were compromised throughout the entire process starting back in 1995. The state's own supposed blank welfare application forms from back in the 1995-1998, were not compliant with federal and state ADA rights of notification on and which were to be complied with by January 26, 1992. That is to say, all federal and state forms must comply with Title II of the ADA and the DOJ's 28 CFR section 35 and 36, that required placement of a notification of ADA rights and how to obtain assistance or information on them. All forms signed from January 1992-2007 when it was finally corrected, are thus invalid and a violation of the constitutional rights of all disabled applicants. See Raymond v. Rowland.

- March 26th-July 15, 2014: Plaintiff files repeated motions for Articulation on Judge Prescott's Memorandum of Decision but are all are denied.
- April 21, 2014: Appellant files Appeal paperwork to the CT Appellate court in Hartford
- May 6, 2014: Appeal accepted and docket number assigned.
- June 25, 2014: Pre-argument Settlement Conference that results in no settlement offer.
- September 19, 2014: Extension of time granted to file brief
- October 29, 2014: Motion for Extension of Time to Re-file revised version of brief granted but Articulation paperwork is claimed to have never been received.
- October 30, 2014, Motion to file the Review Denial of Articulation late is Granted but Relief Denied
- April 6, 2015: Plaintiff tries to appeal her case to the Appellant Court.
- May 2015: Appellant court denies Plaintiffs case. Plaintiff motions for articulation but is

denied. Appellant court gives no reasons other than they agree with the lower court.

- August 4, 2015: Plaintiff appeals to the CT Supreme Court but continues to have her constitutional, civil and ADA rights violated.
- October 13, 2015: CT Supreme Court denies Plaintiff's case.
- October 20, 2015: Plaintiff files a complaint in Federal court requesting that the Lien be removed. While a docket number has been assigned, the courts refuse to respond to any of her other motions for Electronic filing, IFP status and so on.
- 01-26-2016: Judge Shea falsely accuses the Plaintiff of abusing the privilege of Electronic Filing. Plaintiff has repeatedly asked for and been denied a Pro-Bono attorney for all of her federal cases against the state of CT, DSS and DCF. Due to Plaintiff's ADA issues, electronic filing status is a necessary modification that is required. In addition, not once since October 2015, when she was given Electronic filing status, was she ever admonished or told that she was over-filing, or miss filing, or abusing the privilege to file electronically. Judge Shea has openly violated the Plaintiff's ADA rights.
- February 2016: Plaintiff discovers that all of the transgressions and violations by the State and its Agencies and Agents related to her lien case are actually Fraud Upon the Courts.
- February 9, 2016: Plaintiff tries to file a Fraud upon the Courts via her electronic filing status for the original Tax and Administrative Appeal Case, but the electronic system wants her to pay \$125. Plaintiff has Informa Pauperis (IFP) Status in her original State Lien Case. Per the instructions of Stephen Goldschmidt, the court clerk, she motions the court with a new IFP wherein the plaintiff also explains to the courts that under Federal Rule 60(b), Fraud Upon the Courts, she has one year within which to file her Fraud Upon the Courts from the last date of decision. The last decision on her case was October 13, 2015. The

judge denies it stating her case is closed.

- February 13, 2016: Plaintiff files a Notice of Fraud Upon the Courts in the Tax and Administrative Court in New Britain despite the Judges Refusal to accept the continuance of her IFP status and legal right to file further on her lien case.

Joan T. Kloth-Zanard

Date

ACKNOWLEDGMENT OF NOTARY

STATE OF _____

COUNTY OF _____

Subscribed and sworn to, or affirmed, before me on this

_____ day of _____, 2016 by Affiant.

Notary Printed Name

Notary Signature

SEAL