

**NEW YORK STATE
DIVISION OF HUMAN RIGHTS**

**NEW YORK STATE DIVISION
OF HUMAN RIGHTS**
on the Complaint of

PATRICIA CHRISTINE LAWRENCE,
Complainant,

v.

**R.G.V. CORPORATION, INC. VIBERT HARTE,
VICE PRESIDENT OF OPERATIONS, AS AIDER
& ABETTOR,**
Respondent.

**NOTICE OF FINAL
ORDER AFTER HEARING**

Case No. 7942853

PLEASE TAKE NOTICE that the attached is a true copy of the Recommended Findings of Fact, Opinion and Decision, and Order (“Recommended Order”), issued on May 29, 2007, by Lilliana Estrella-Castillo, an Administrative Law Judge of the New York State Division of Human Rights (“Division”). An opportunity was given to all parties to object to the Recommended Order, and all objections received have been reviewed.

PLEASE BE ADVISED THAT, UPON REVIEW, THE RECOMMENDED ORDER IS HEREBY ADOPTED AND ISSUED BY THE HONORABLE KUMIKI GIBSON, COMMISSIONER, AS THE FINAL ORDER OF THE NEW YORK STATE DIVISION OF HUMAN RIGHTS (“ORDER”), WITH THE FOLLOWING CHANGE TO THE ORDER SET FORTH ON PAGE 5:

- The instant case is dismissed for administrative convenience. It is thus ordered that the complaint be, and the same hereby is, dismissed without prejudice.

In accordance with the Division's Rules of Practice, a copy of this Order has been filed in the offices maintained by the Division at One Fordham Plaza, 4th Floor, Bronx, New York 10458. The Order may be inspected by any member of the public during the regular office hours of the Division.

PLEASE TAKE FURTHER NOTICE that any party to this proceeding may appeal this Order to the Supreme Court in the County wherein the unlawful discriminatory practice that is the subject of the Order occurred, or wherein any person required in the Order to cease and desist from an unlawful discriminatory practice, or to take other affirmative action, resides or transacts business, by filing with such Supreme Court of the State a Petition and Notice of Petition, within sixty (60) days after service of this Order. A copy of the Petition and Notice of Petition must also be served on all parties, including the General Counsel, New York State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. Please do not file the original Notice or Petition with the Division.

ADOPTED, ISSUED, AND ORDERED, this 5th day of July, 2007.



KUMIKI GIBSON
COMMISSIONER

TO:

Complainant

Patricia Christine Lawrence
1167 President St.
Apt. 2A
Brooklyn, NY 11225

Respondent

R.G.V. Corporation, Inc. Vibert Harte, Vice President of Operations, as aider & abettor
Attn: Ron Carpenter, President
884 Flatbush Ave.
Brooklyn, NY 11226

Respondent Secondary Address

R.G.V. Corporation, Inc. Vibert Harte, Vice President of Operations, as aider & abettor
Attn: Vibert Harte
c/o M.K.H., Inc., 367 Utica Avenue
Brooklyn, NY 11213

Respondent Secondary Address

Vibert Harte
20 Saint Pauls Court, #2F
Brooklyn, NY 11226

Respondent Secondary Address

MKH, Inc.
20 Saint Paul's Court, 6G
Brooklyn, NY 11226

Hon. Andrew Cuomo, Attorney General
Attn: Civil Rights Bureau
120 Broadway
New York, New York 10271

State Division of Human Rights

Joshua Zinner, Deputy Commissioner for Enforcement
One Fordham Plaza, 4th Floor
Bronx, New York 10458

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Lilliana Estrella-Castillo
Administrative Law Judge

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Peter G. Buchenholz
Adjudication Counsel

Matthew Menes
Adjudication Counsel

**NEW YORK STATE
DIVISION OF HUMAN RIGHTS**

**NEW YORK STATE DIVISION OF HUMAN RIGHTS
On the Complaint of**

PATRICIA CHRISTINE LAWRENCE,

Complainant,

v.

**R.G.V. CORPORATION, INC., MKH, INC., AS-
SUCCESSOR-IN-INTEREST, VIBERT HARTE, VICE
PRESIDENT OF OPERATIONS, INDIVIDUALLY, AS
AIDER & ABETTOR,**

Respondent.

**RECOMMENDED FINDINGS OF
FACT, OPINION AND DECISION,
AND ORDER**

CASE NO: 7942853

SUMMARY

Complainant expressed her wishes to the Division to have her complaint withdrawn. Complainant did not officially withdraw her complaint although given every opportunity to do so. It is therefore recommended that the complaint be dismissed since Complainant has no desire to pursue the complaint.

PROCEEDINGS IN THE CASE

On April 11, 2001, Complainant filed a verified complaint with the State Division of Human Rights (Division) charging Respondent with an unlawful employment discriminatory practice in violation of the Human Rights Law of the State of New York.

After investigation, the Division found that it had jurisdiction over the complaint, and that probable cause existed to believe that Respondent had engaged in an unlawful discriminatory practice. Thereafter, the Division referred the case to public hearing.

FINDINGS OF FACT

1. The case was assigned to Harold H. Roberts, an Administrative Law Judge (ALJ) on September 20, 2004.
2. Hearing sessions were held on February 21, 2006 and July 25, 2006. Each session was transcribed and addressed service of the Notice of Hearing on Respondent and the alleged successor-in-interest.
3. On December 14, 2006, the case was reassigned from ALJ Roberts to ALJ Lilliana Estrella-Castillo.
4. On December 22, 2006, the parties were mailed notice that a status conference was scheduled for January 16, 2007 (ALJ I).
5. A status conference was held on January 16, 2007. The Division was represented by Caroline Downey, acting General Counsel, by Matthew Menes, of Counsel. Complainant did not attend the conference. Respondent, a corporation, did not appear, and Vebert Harte, who had appeared at all the prior conferences did not appear and did not seek an adjournment.
6. Menes advised the ALJ that Complainant had no intention of appearing at the hearing and had expressed her intention to have the complaint withdrawn, but had not made her request for a withdrawal in writing.
7. On January 16, 2007, Menes contacted Complainant by telephone and she advised him that she wanted to withdraw her complaint and would be willing to sign a withdrawal form (ALJ Exhibit IV).
8. On January 26, 2007, Menes mailed Complainant a withdrawal form and a self-addressed-stamped-envelope to her last known address (ALJ Exhibit IV).

9. On February 21, 2007, Menes mailed Complainant a second withdrawal form (ALJ Exhibit IV).

10. On February 26, 2007, the Calendar Unit mailed the parties a Notice of Hearing advising that the hearing would take place on March 13, 2007 (ALJ II).

11. On March 6, 2007, via telephone, Complainant once again advised Menes that she wanted to withdraw her complaint, and that she had no intention of appearing at the March 13, 2007 scheduled hearing. (ALJ IV).

12. On March 13, 2007, neither Complainant nor Respondent appeared at the hearing.

13. On March 13, 2007, after waiting for over an hour for the parties to appear, the ALJ called Complainant on the telephone (347-951-5633), to ascertain her intentions regarding the complaint. Complainant informed the ALJ in very explicit and colorful language that she had absolutely no intention of participating in the hearing, and did not wish any further communications from the Division regarding her complaint.

14. On March 16, 2007, Menes submitted an Attorney's Affirmation outlining his efforts to communicate with Complainant and the results of those communications (ALJ Exhibit IV).

15. In order to afford Complainant one final opportunity to either withdraw her complaint or appear at the hearing, the hearing was adjourned to April 30, 2007.

16. On April 16, 2007, Bellew McManus on behalf of the Division wrote to Complainant advising her that the hearing was scheduled for April 30, 2007 (ALJ Exhibit V).

17. On April 17, 2007, the parties were advised that the hearing was being continued on April 30, 2007 (ALJ III).

18. On April 30, 2007, the Division appeared at the hearing represented by Caroline Downey, acting General Counsel, by Bellew McManus, of Counsel. Neither, Complainant nor Respondent appeared at the hearing.

DECISION AND OPINION

Complainant expressed her wishes to the Division to have her complaint withdrawn. Complainant did not officially withdraw her complaint although given every opportunity to do so. It is therefore recommended that the complaint be dismissed since Complainant has no desire to pursue the complaint.

Complainant was afforded every opportunity to withdraw her complaint or cooperate with the prosecution of the complaint. When Complainant did not appear at the status conference, the ALJ called her to ascertain her intentions regarding the complaint. Complainant made it very clear that she had no desire to continue with her complaint. However, rather than dismiss the complaint at the time, the proceedings were adjourned to afford Complainant an opportunity to either withdraw the complaint or cooperate with the Division in the prosecution of the complaint. Complainant did not withdraw the complaint and failed to appear at the scheduled hearing.

It is therefore recommended that based on the above and in the interest of administrative economy that the complaint in this matter be dismissed because Complainant has expressed her desire to have the complaint withdrawn and has failed to cooperate with the Division in the prosecution of the complaint.

ORDER

Based on the foregoing Findings of Fact, Opinion and Decision, and pursuant to the provisions of the Human Rights Law and the Division's Rules of Practice, it is hereby

ORDERED, that the complaint be, and the same hereby is dismissed with prejudice.

Dated: May 29, 2007
Bronx, New York

STATE DIVISION OF HUMAN RIGHTS



Lilliana Estrella-Castillo
Administrative Law Judge