

**NEW YORK STATE
DIVISION OF HUMAN RIGHTS**

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

GINA MARIE SAVOIE,

Complainant,

v.

ARROW SECURITY, INC.,

Respondent.

**NOTICE AND
FINAL ORDER**

Case No. 3506831

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 July 13, 2007, by Robert M. Vespoli, 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”). 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 7th day of August, 2007.



KUMIKI GIBSON
COMMISSIONER

TO:

Complainant
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**NEW YORK STATE
DIVISION OF HUMAN RIGHTS**

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on the Complaint of

GINA MARIE SAVOIE,

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ARROW SECURITY, INC.,

Respondent.

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

Case No. 3506831

SUMMARY

Complainant charges Respondent with unlawful discrimination in the workplace, alleging sexual harassment, constructive discharge and retaliation. Respondent denies these allegations. The New York State Division of Human Rights ("Division") finds that Respondent discriminated against Complainant on the basis of sex because it condoned the sexual harassment experienced by Complainant. However, Complainant cannot sustain her claims of constructive discharge and retaliation. Accordingly, Complainant is awarded compensatory damages for the mental anguish she suffered as result of the sexual harassment.

PROCEEDINGS IN THE CASE

On May 17, 2002, Complainant filed a verified complaint with the Division, charging Respondent with unlawful discriminatory practices relating to employment in violation of N.Y. Exec. Law, art. 15 ("Human Rights Law").

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. The Division thereupon referred the case to public hearing.

After due notice, the case came on for hearing before Robert M. Vespoli, an Administrative Law Judge ("ALJ") of the Division. Public hearing sessions were held on January 9-11, 2007, March 12, and March 16, 2007.

Complainant and Respondent appeared at the hearing. Complainant was represented by Mark S. Moroknek, Esq. Respondent was represented by Judith N. Berger, Esq.

Permission to file post-hearing briefs was granted. Complainant filed a post-hearing brief on April 16, 2007. Respondent filed its post-hearing brief on April 12, 2007.

FINDINGS OF FACT

1. Respondent provides private security to a variety of groups and organizations. (Tr. 389, 414)
2. Complainant began working for Respondent as a security officer in May 2000. (Tr. 31-34) She was licensed as a security guard in New York State and was qualified for the position in all respects. (Tr. 31-34, 91, 276; Complainant's Exhibits 16, 18)
3. As a security officer, Complainant's duty was to patrol the Department of Transportation ("DOT") Park and Ride lots along the Long Island Expressway in Suffolk County and report any problems or abnormal occurrences. (Tr. 35-37, 40) She was the only female on this specific detail. (Tr. 805) In order to perform her duties, Respondent provided Complainant with a patrol car at the start of each shift, a Dyster device to electronically record the time of entry and exit from each Park and Ride lot, and a CB radio so that Complainant could communicate with the

dispatchers throughout the course of her shift at regular intervals (approximately every fifteen minutes). (Tr. 35-37, 40, 64-67, 473-78, 722-24, 807-09; Complainant's Exh. 22) Complainant worked the 5:00 a.m. to 1:00 p.m. shift. (Tr. 71-72, 74, 826-27; Complainant's Exh. 22)

4. In or about January 2002, an unknown male ("heckler") began making sexually explicit comments about Complainant over the CB radio frequency that Respondent used for communication between patrol cars and dispatch. (Tr. 86-89, 687-88, 704-05, 714-15) Although Complainant maintains that the heckler was an employee of Respondent, it cannot be determined whether the heckler was a co-employee or a third party non-employee. (Tr. 290-92, 321, 389-90, 445, 765-66, 770) The radio frequency used by Respondent is published publicly by the Federal Communications Commission ("FCC") and the frequency can be accessed by anyone with the proper equipment. (Tr. 681-84, 687) At this time, the heckler made both inappropriate sexual comments and sounds over the airwaves, mainly referring to Complainant. These comments were heard by many of Respondent's employees. (Tr. 76, 86-89, 542-43, 680-81, 687-88, 703-05, 770) Complainant began writing down the date and nature of the comments made by the heckler and recorded some of the transmissions. (Tr. 93-96, 98, 105-07, 128-29, 203-04; Complainant's Exhibits 3, 4, 5) Complainant tried to avoid the heckler, who interrupted her while she was speaking to dispatch, by changing channels on the radio. The heckler followed Complainant when she changed channels and continued to harass Complainant. (Tr. 88-89)

5. Complainant spoke to the dispatcher, Mike Bonilla, and asked him to rectify the problem. (Tr. 109-10, 114-15, 130-31, 220, 222, 630, 679-81, 688, 732-34, 739-40, 818; Complainant's Exhibits 6, 20) Bonilla stated that Respondent would look into the problem, but Respondent never informed Complainant about any subsequent investigation performed by Respondent. (Tr. 109-10, 114-15, 130-31, 220, 222, 818) Complainant also spoke to

Respondent's president, A.J. Caro, who told Complainant to ignore the heckler. (Tr. 110-11, 114, 397, 554)

6. After Complainant went to Respondent for assistance, the heckler's comments became steadily worse. (Tr. 96-97, 112) The heckler began addressing Complainant by her first name and stated that he was watching her. (Tr. 96-97, 112-13, 705) Complainant went to Respondent seeking alternate forms of communication with dispatch, namely a Nextel phone. (Tr. 119-20, 129-30, 397, 578-79, 656-57, 695-98, 718-19, 725, 727; Complainant's Exh. 20) Bonilla and Caro denied Complainant's request for a Nextel phone. (Tr. 119-20, 397, 579, 656-57, 695-98, 718-19, 730)

7. Following Complainant's initial request for a Nextel phone, Caro maintained that Respondent investigated Complainant's claims and contacted local and federal authorities regarding Complainant's harassment claim. Respondent claims that it contacted the Suffolk County Police Department ("SCPD"), the FCC, and Norcom, Respondent's service provider for the radio frequency. (Tr. 390-92, 395-97, 441-46, 547- 48, 556-61, 563-72, 609, 709-16, 719-20, 725, 750-51) However, Respondent did not proffer any documentary evidence to corroborate its alleged investigation.

8. Caro claimed to have offered Complainant different positions within the company that did not require the use of a CB radio. He also claimed to have offered Complainant positions with different companies under his direction and control. (Tr. 398-99, 411-15, 438-39, 588-91, 752-55, 802-03) Respondent proffered no documentary evidence to corroborate these claims.

9. Respondent suggested that Complainant use alternate forms of communication to contact dispatch as required by Respondent's procedures. Bonilla told Complainant to use pay phones at the Park and Ride lots or to use her personal cell phone to communicate with dispatch. (Tr. 205,

439, 657) However, in order for Complainant to use certain pay phones, she would have to exit her vehicle, in direct conflict with Respondent's policies and procedures. (Tr. 66-68, 295)

Further, Complainant informed Respondent that she had a prepaid cell phone, for emergencies only, with a limited number of minutes. Using her cell phone to contact dispatch during each shift would not be economically feasible for Complainant. (Tr. 205-10, 301-02, 807-10)

Respondent did not offer to reimburse Complainant for any related expenses. (Tr. 302, 440, 812)

10. Respondent gave Complainant conflicting directives regarding Complainant's use of the CB radio. Some of Respondent's employees, including Caro, told Complainant to turn off the radio. However, other supervisory staff told Complainant she could not turn off the radio. (Tr. 147-49, 153, 205, 272, 295-96, 299-300, 577, 692, 776, 806, 812, 843-47, 852-54) When Complainant turned off the radio as instructed by Bonilla and Caro, she was reprimanded by dispatchers Susan and Sigrid. (Tr. 147-53, 272-75, 298, 298-301, 322-23, 689, 692, 812-14)

11. As the comments from the heckler got worse, Complainant became increasingly nervous and fearful that the heckler was stalking her. (Tr. 131, 137, 239-41, 327-29, 336-37, 344, 735-37) This fear continued even after Complainant finished work for the day. (Tr. 139, 336-37) Complainant was also frightened when she arrived at work because, during the winter and early spring, it was dark during that portion of her shift. (Tr. 132, 139) In March 2002, Complainant requested to park her car in an area of the parking lot with better lighting. (Tr. 132-33, 223-24, 705-07) Although Respondent initially granted her permission to do this, Respondent later rescinded the privilege and reprimanded Complainant for parking in an unauthorized area. (Tr. 134-35, 294-98, 322)

12. Complainant spoke independently with the SCPD regarding the harassment from the heckler. (Tr. 138-39, 357) Despite the harassment, Complainant did not wish to leave her job. (Tr. 262-63, 819-20)

13. Following one of her shifts in April 2002, Melissa Neely, Respondent's director of operations, called Complainant to come in for a mandatory meeting. (Tr. 142-43, 212-13, 580, 834) At that time, Neely had just begun her employment with Respondent. (Tr. 142) Complainant informed Neely that she could not meet with Neely because she had to pick up her child from school. (Tr. 143, 145, 214-15, 580, 834-35) Neely informed Complainant that Complainant had to meet with Neely that afternoon or Complainant would be removed from the schedule. (Tr. 143, 145, 215, 435, 835, 850) Complainant did not meet with Neely as directed. (Tr. 214-15)

14. The following morning, Complainant arrived for work and Bonilla informed her that her name was not on the schedule. Believing that she was fired, Complainant went home. (Tr. 145-46, 215, 217, 334, 338, 435, 836, 855-56, 858-60) However, Respondent did not explicitly discharge Complainant when she was removed from the schedule that day. (Tr. 420, 849-50) Complainant never attempted to contact Neely, Caro, or anyone with Respondent regarding her employment status. (Tr. 145-46, 215-16, 836-37, 842)

15. Complainant subsequently applied for unemployment benefits. (Tr. 280, 435-36, 580, 584, 837) Respondent opposed her application for benefits, claiming that Complainant was not fired but had voluntarily quit. (Tr. 837-40; Complainant's Exh. 17; Respondent's Exh. C) In its paperwork challenging Complainant's application, Respondent maintained that Complainant was suspended after she refused to meet with Neely regarding a false time sheet Complainant submitted. Complainant filed for unemployment beginning the week ending April 12, 2002. (Tr.

155, 431-35, 467-69, 663-64; Respondent's Exhibits A, F) Complainant never met with Neely and never reported back to work. Accordingly, Respondent determined that Complainant voluntarily resigned her position as of April 17, 2002, the date she filed for unemployment benefits. Complainant was ultimately denied unemployment benefits. (Tr. 258-60, 286, 376-77, 838; Respondent's Exh. D)

16. The heckler harassed Complainant on a regular basis from January 2002 until she left Respondent's employ in April 2002. (Complainant's Exhibits 3, 4)

17. Complainant felt nervous and afraid during the time she was subjected to the heckler's conduct, particularly when the heckler made comments about watching her. (Tr. 131, 137) Complainant's husband testified that, during this time period, Complainant was often upset at home resulting in marital discord. (Tr. 328-29, 331-32) Complainant did not obtain treatment from a mental health professional. (Tr. 238)

OPINION AND DECISION

The Division finds that Respondent discriminated against Complainant on the basis of sex because it condoned the sexual harassment of Complainant by the heckler. However, Complainant's claims that Respondent retaliated against her and constructively discharged her are without merit.

In the instant case, Complainant has filed a claim under the hostile work environment theory of sexual harassment. A hostile work environment exists "[w]hen the workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment." *Forrest v. Jewish Guild for the Blind*, 3 N.Y.3d 295, 310, 786 N.Y.S.2d 382, 394

(2004) (citations and internal quotation marks omitted). Although it cannot be determined whether the heckler was a co-employee or a third party non-employee, employer liability for third party non-employee harassment is analyzed using the same standard applied in the case of co-employee harassment. See *Torres-Negron v. Merck & Co., Inc.*, 2007 U.S. App. LEXIS 12034, at *12 (1st Cir. May 23, 2007).

In order to sustain a claim of sexual harassment based on a hostile work environment, Complainant must show that she is a member of a protected group, she endured unwelcome sexual harassment based on her gender, the unwelcome sexual harassment altered the terms and conditions of her employment, and that Respondent had actual or constructive knowledge of the sexual harassment and failed to take appropriate corrective action. See *Pace v. Ogden Services Corp.*, 257 A.D.2d 101, 103, 692 N.Y.S.2d 220, 223 (3d Dept. 1999).

The Division must examine the totality of the circumstances and the perception of both the victim and a reasonable person in making its determination. *Father Belle Community Ctr. v. N.Y. State Div. of Human Rights*, 221 A.D.2d 44, 51, 642 N.Y.S.2d 739, 744 (4th Dept. 1996), *lv. app. denied*, 89 N.Y.2d 809, 655 N.Y.S.2d 889 (1997).

In the instant case, the record establishes that Complainant is a member of a protected group and that she complained to Caro, Respondent's president, about unwelcome, sexually explicit comments from the heckler. Next, the sexually charged comments uttered by the heckler were clearly directed at Complainant because she is a woman. Furthermore, the harassing conduct prevented Complainant from performing her duties as a security guard according to Respondent's established policies and procedures. The heckler's comments interfered with and effectively prevented Complainant from using her CB radio. Moreover, the heckler's comments were vulgar, pervasive, and publicly humiliating because many of Complainant's co-workers and

supervisors heard them. The harassing conduct also became threatening as the heckler began using Complainant's first name, creating fear in Complainant that the heckler was stalking her. Therefore, the Division finds that the heckler's conduct adversely affected Complainant's working conditions.

Finally, it is undisputed that Respondent had knowledge of the heckler's sexually harassing conduct. Although Respondent maintains that it took appropriate remedial action, the Division finds that Respondent did not take adequate action to eliminate the harassment.

First, Respondent argues that, while it properly investigated the harassing behavior of the heckler and contacted the appropriate authorities, it found no information that could be used to stop the harassment. This argument is unconvincing. If Respondent had conducted an adequate investigation, it is reasonable to conclude that Respondent would produce some corroborating documentation. However, Respondent did not produce any documentary evidence showing that it conducted a meaningful investigation. Respondent claims to have contacted the SCPD and the FCC. However, Respondent did not proffer an incident report or any other corroborating documentation either from their own files or from the files of these governmental agencies.

Second, Respondent argues that it made suggestions to Complainant to use alternative means of communicating with dispatch so that she did not have to use the CB radio. However, the alternatives suggested by Respondent were wholly inadequate under the circumstances. By asking Complainant to use a pay phone to communicate with dispatch, Respondent did not provide a viable to solution to the problem and showed no awareness of the gravity of the sexual harassment endured by Complainant. If Complainant was in fact being stalked by the heckler, this alternative would expose Complainant to potential danger. Complainant would have to roll down her window or exit the safety of her vehicle at regular, predictable intervals in order to use

a pay phone. Respondent's insensitivity to the sexual harassment endured by Complainant is further highlighted by Respondent's failure to allow Complainant to park in a well lit area and, after denying her the use of a Nextel phone, telling Complainant that she could use her personal cell phone to perform her job duties at her own expense.

Furthermore, Respondent's suggestion that Complainant turn off her CB radio was not a viable option. Although Caro and Bonilla suggested this to Complainant at one time, Complainant could not communicate with dispatch at regular intervals as required by job protocol. In fact, when Complainant turned off her radio as she was told, Respondent reprimanded her.

Finally, Respondent claims it offered Complainant other comparable positions and job opportunities that did not require the use of a CB radio. Complainant denies that Respondent offered her any alternative job opportunities. (Tr. 802-03) If such offers were made under these circumstances, it is reasonable to conclude that there would be corroborating documentation in Complainant's personnel file. However, Respondent provided no documentary evidence to support this claim.

The credible record establishes that Respondent was aware of the sexual harassment endured by Complainant and failed to take appropriate remedial action. The Court of Appeals has stated that "[a]n employer's calculated inaction in response to discriminatory conduct may, as readily as affirmative conduct, indicate condonation." *State Div. Human Rights v. St. Elizabeth's Hosp.*, 66 N.Y.2d 684, 687, 496 N.Y.S.2d 411, 412 (1985). Therefore, the Division finds that Respondent effectively condoned the discriminatory conduct of the heckler and is liable to Complainant for compensatory damages resulting from the hostile work environment.

Next, Complainant maintains that Respondent constructively discharged her when she was taken off the work schedule by Neely. The finding of a hostile work environment does not necessitate the finding of a constructive discharge. *See Polidori v. Societe Generale Groupe*, 39 A.D.3d 404, 405, 835 N.Y.S.2d 80 (1st Dept. 2007). An employee is constructively discharged when an employer deliberately makes working conditions so intolerable that a reasonable person would feel compelled to resign. *Id.* Deliberate conduct on the part of the employer entails something more than negligence, mere lack of concern, or failure to effectively resolve the problem. *Id.*

The facts in the instant case do not rise to the level of constructive discharge. The record clearly establishes that Complainant was not actually discharged by Respondent. Complainant admits that she was never told by anyone working for Respondent that she was discharged. Rather, Complainant assumed that she was fired because Neely removed Complainant from the work schedule the day after Complainant refused to meet with Neely.

Under these circumstances, a reasonable person would have made further inquiry into the status of her employment with Respondent. Complainant, who is not one to remain silent in the face of perceived injustice, never called Neely to reschedule this mandatory meeting or to ascertain the purpose of the meeting. Additionally, Complainant never called Caro, or anyone else employed by Respondent, to determine her employment status. There is no evidence that any of Respondent's actions were intended to create intolerable working conditions. *See Butts v. New York City Dep't of Hous. Pres. & Dev.*, 2007 U.S. Dist. LEXIS 6534, at *71 (S.D.N.Y. Jan. 29, 2007).

Furthermore, Complainant does not claim that she left Respondent's employ because she believed she would continue to be subjected to a hostile work environment. Rather, Complainant

left her job because she mistakenly believed that she had been terminated. Complainant clearly stated that she wanted to continue working for Respondent as a security guard. In fact, Complainant continued to work for Respondent during the three months of harassment from the heckler and never once threatened to resign. By continuing to work in the same position after conduct allegedly intended to compel her resignation, Complainant undermined her charge of intolerable working conditions. *See Petrosino v. Bell Atl.*, 385 F.3d 210, 230 (2d Cir. 2004). Since Complainant admittedly did not feel compelled to leave her position with Respondent, Complainant's constructive discharge claim cannot be sustained.

Finally, Complainant alleges that Respondent retaliated against her because she complained to Respondent about the sexual harassment of the heckler. The Human Rights Law prohibits an employer from retaliating against an employee for having filed a complaint or opposed discriminatory practices. Human Rights Law § 296.7.

A complainant bears the burden of establishing a prima facie retaliation claim by showing that "(1) she has engaged in protected activity, (2) her employer was aware that she participated in such activity, (3) she suffered an adverse employment action based upon her activity, and (4) there is a causal connection between the protected activity and the adverse action." *Forrest* at 312-13, 786 N.Y.S.3d at 396.

Complainant satisfies the first two prongs of her prima facie case. It is undisputed that Complainant complained about the harassing conduct to Respondent on numerous occasions. However, Complainant did not establish that she suffered an adverse action as a result of her complaints. An adverse action is defined as a material change in the terms or conditions of employment. *Id.* at 306, 786 N.Y.S.2d at 391. In the instant case, Complainant claims that she suffered an adverse action when Respondent terminated her because she complained about the

heckler's harassment. However, the record does not establish that Complainant was either actually or constructively terminated. Further, Complainant did not establish that Neely, a new employee at the time Complainant left Respondent's employ, acted with any retaliatory animus towards Complainant.

Complainant is entitled to recover compensatory damages for mental anguish caused by the sexual harassment. When considering an award of compensatory damages for mental anguish, the Division must be especially careful to ensure that the award is reasonably related to the wrongdoing, supported in the record and comparable to awards for similar injuries. *State Div. of Human Rights v. Muia*, 176 A.D.2d 1142, 1144, 575 N.Y.S.2d 957, 960 (3d Dept. 1991). Because of the "strong antidiscrimination policy" of the Human Rights Law, a complainant seeking an award for pain and suffering "need not produce the quantum and quality of evidence to prove compensatory damages he would have had to produce under an analogous provision." *Batavia Lodge No. 196, etc. v. N.Y. State Div. of Human Rights*, 35 N.Y.2d 143, 147, 359 N.Y.S.2d 25, 28 (1974). Indeed, "[m]ental injury may be proved by the complainant's own testimony, corroborated by reference to the circumstances of the alleged misconduct." *New York City Transit Auth. v. State Div. of Human Rights*, 78 N.Y.2d 207, 216, 573 N.Y.S.2d 49, 54 (1991). The severity, frequency and duration of the conduct may be considered in fashioning an appropriate award. *N.Y. State Dep't of Correctional Servs. v. N.Y. State Div. of Human Rights*, 225 A.D.2d 856, 859, 638 N.Y.S.2d 827, 830 (3d Dept. 1996).

In the instant case, the harassment from the heckler occurred frequently over a prolonged period of time. Complainant and her husband credibly testified that she was upset, nervous and afraid as a result of the sexual harassment. Moreover, Complainant feared that the heckler was stalking her during non-working hours. The pain and embarrassment experienced by

Complainant were exacerbated by the fact that the sexual harassment occurred in the presence of her co-workers and supervisors.

Accordingly, the Division finds that an award of \$20,000.00 for mental anguish is consistent with similar cases and will effectuate the remedial purposes of the Human Rights Law. See, e.g., *State of New York v. N.Y. State Div. of Human Rights*, 284 A.D.2d 882, 727 N.Y.S.2d 499 (3d Dept. 2001); *Georgeson & Co, Inc. v. Stewart*, 267 A.D.2d 126, 700 N.Y.S.2d 9 (1st Dept. 1999); *New York City Health & Hospitals Corp. v. N.Y. State Div. of Human Rights*, 236 A.D.2d 310, 654 N.Y.S.2d 310 (1st Dept. 1997).

ORDER

On the basis of 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 Respondent, and its agents, representatives, employees, successors, and assigns, shall cease and desist from discriminatory practices in employment; and

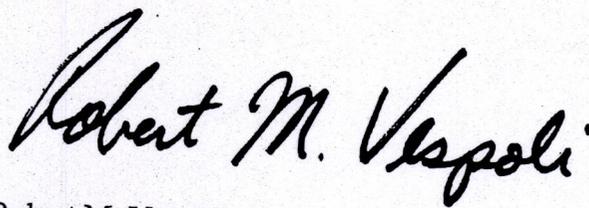
IT IS FURTHER ORDERED that Respondent shall take the following action to effectuate the purposes of the Human Rights Law, and the findings and conclusions of this Order:

1. Within sixty days of the date of the Commissioner's Order, Respondent shall pay to Complainant the sum of \$20,000.00 without any withholdings or deductions, as compensatory damages for the mental anguish and humiliation suffered by Complainant as a result of Respondent's unlawful discrimination against her. Interest shall accrue on the award at the rate of nine percent per annum from the date of the Commissioner's Order until payment is actually made by Respondent.

2. The aforesaid payment shall be made by Respondent in the form of a certified check made payable to the order of Complainant, Gina Marie Savoie, and delivered by certified mail, return receipt requested, to her attorney, Mark S. Moroknek, Esq., 1565 Franklin Avenue, Mineola, New York 11501. Respondent shall furnish written proof to the New York State Division of Human Rights, Office of General Counsel, One Fordham Plaza, 4th Floor, Bronx, New York 10458, of its compliance with the directives contained in this Order.

3. Respondent shall cooperate with the representatives of the Division during any investigation into compliance with the directives contained within this Order.

DATED: July 13, 2007
Hempstead, New York

A handwritten signature in black ink that reads "Robert M. Vespoli". The signature is written in a cursive, flowing style.

Robert M. Vespoli
Administrative Law Judge