

**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.

**and WILLIAM G. GOODE, ESQ.,** Necessary Party.

**NOTICE AND  
FINAL ORDER**

Case No. 3506831

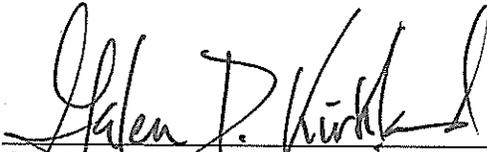
**PLEASE TAKE NOTICE** that the attached is a true copy of the Recommended Findings of Fact, Opinion and Decision, and Order (“Recommended Order”), issued on March 20, 2009, by Robert M. Vespoli, an Administrative Law Judge of the New York State Division of Human Rights (“Division”). An opportunity was 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 GALEN D. KIRKLAND, 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.**

DATED: **MAY 28 2009**  
Bronx, New York

  
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GALEN D. KIRKLAND  
COMMISSIONER

**NEW YORK STATE  
DIVISION OF HUMAN RIGHTS**

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**GINA MARIE SAVOIE,**

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v.

**ARROW SECURITY, INC.,**

Respondent.

**RECOMMENDED ORDER AFTER  
COMPLIANCE HEARING**

Case No. **3506831**

**PROCEEDINGS IN THE CASE**

On May 17, 2002, Complainant filed a verified complaint with the New York State Division of Human Rights ("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 unlawful discriminatory practices. 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, 2007, 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.

On July 13, 2007, the presiding ALJ issued a Recommended Findings of Fact, Opinion and Decision, and Order. On August 7, 2007, the Commissioner's Order was issued and provided, in pertinent part, that:

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.

On February 6, 2009, the Division's Calendar Unit served a Notice of Compliance Hearing on each party in this matter designating the time and location of the compliance hearing scheduled for February 23 and 24, 2009. (ALJ's Exhibits 1, 2) None of these notices were returned to the Calendar Unit, and they are presumed to have been delivered.

A compliance hearing was held on February 23, 2009, before ALJ Vespoli to determine whether Respondent had complied with the Commissioner's Order. Complainant appeared at the hearing along with Moroknek. Respondent did not appear.

### **FINDINGS OF FACT**

1. In the August 7, 2007 Order, the Commissioner found that Respondent discriminated against Complainant on the basis of sex because it condoned the sexual harassment experienced by Complainant in the workplace. The Commissioner awarded Complainant \$20,000.00 as compensatory damages for the mental anguish and humiliation suffered by Complainant as a result of Respondent's unlawful discrimination against her. (ALJ's Exh. 1)

2. Respondent is an active corporation. (ALJ's Exh. 3)

3. Despite being duly served with a Notice of Compliance Hearing, Respondent failed to appear at the compliance hearing. (Tr. 3-4; ALJ's Exhibits 1, 2)

4. The record establishes that Respondent has not complied with the terms of the Commissioner's Order. (Tr. 6)

### **OPINION AND DECISION**

The Division finds that Respondent is an active corporation, and it has not complied with the terms of the Commissioner's Order.

### **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

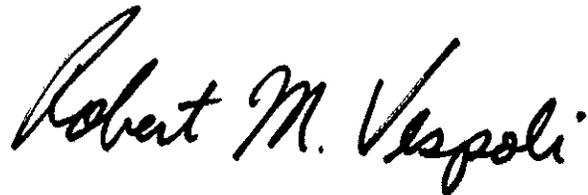
IT IS FURTHER ORDERED that Respondent shall take the following action to effectuate the purposes of the Human Rights Law, and the findings and conclusions of this Order:

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 August 7, 2007, 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, 4<sup>th</sup> Floor, Bronx, New York 10458, of its compliance with the directives contained within 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: March 20, 2009  
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