

STATE OF NEW YORK  
DIVISION OF HUMAN RIGHTS  
[www.dhr.ny.gov](http://www.dhr.ny.gov)

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## **NEW YORK STATE DIVISION OF HUMAN RIGHTS RULES IN FAVOR OF FEMALE EMPLOYEES IN SEXUAL HARASSMENT CASES**

The New York State Division of Human Rights recently issued two orders in favor of female employees subjected to egregious sexual harassment in the workplace. The victims were awarded a combined total of almost \$200,000 in damages. The decisions also require both employers to pay civil fines and penalties and implement formal anti-discrimination policies and reporting mechanisms for employees who believe they are being discriminated against.

“Every person is legally entitled to a work environment free of harassment and discrimination,” said New York State Deputy Secretary for Civil Rights Alphonso David. “Sexual harassment will not be tolerated in our State and the Administration will use its powers to prosecute those who violate the law.”

One case involves a young woman employed as a waitress at Team Taco Mexico in Jackson Heights, Queens. The Division found her boss, restaurant owner David Orduna, began a pattern of sexual harassment which included touching his victim inappropriately, appearing at her home uninvited and offering to pay her rent in exchange for a sexual relationship. When the young woman repeatedly refused Orduna’s advances, the abuse turned to insults in the presence of customers and a weekly salary that was \$250 less than that of other waitresses. As a result of the abuse the victim was forced to resign from her position and suffered depression and anxiety.

In its decision, the Division awarded the woman \$50,000 in compensatory damages; \$13,000 as back wages for the period in which she was paid less than other waitresses; \$10,668.68 as back wages for the period in which she was unemployed, and \$23,700.06 as back wages for the period she was employed but unable to find a job with a comparable salary. In addition Orduna is ordered to pay \$75,000 as a civil fine and penalty for violating New York State’s Human Rights Law.

In the second case the Division found a woman employed by K & K Management Services, a cleaning and contracting company in Flushing, Queens, was subject to inappropriate behavior soon after being hired. Owner Kwang Wun Kim’s harassment of the victim escalated to include fondling and assault. Kim also attempted to persuade the victim to sleep with clients

to generate business. Even after the young woman resigned from her position Kim continued the harassment by telephone.

The victim was awarded \$75,000 in compensatory damages and \$27,500 in back wages. Kim is also been ordered to pay \$25,000 in civil fines and penalties.

Sexual harassment is prohibited as a form of sex discrimination under the New York State Human Rights Law. Last year the Division received 517 sexual harassment complaints. These and other full decisions are available on the Division's website at [www.dhr.ny.gov](http://www.dhr.ny.gov).

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*New York has the proud distinction of being the first state in the nation to enact a Human Rights Law, which affords every citizen "an equal opportunity to enjoy a full and productive life." The New York State Division of Human Rights was created to enforce this important law and does so through, among other things, the vigorous prosecution of unlawful discriminatory practices and the receipt, investigation, and resolution of complaints of discrimination. Please visit the Division's website at [www.dhr.ny.gov](http://www.dhr.ny.gov) for additional information about the agency and its work.*