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STATE DIVISION OF HUMAN RIGHTS
STATE OF NEW YORK EXECUTIVE DEPARTMENT

APR 20 2012

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STATE DIVISION OF HUMAN RIGHTS
on the Complaint of

~~HEMPSTEAD REGIONAL OFFICE~~

DEBORAH STEVENS,

VERIFIED COMPLAINT

Complainant,

Pursuant to Executive Law,
Article 15

- against -

ATLANTIC AUTOMOTIVE GROUP, INC. and
JACQUELINE BRUCIA as aider and abettor,

Respondent.
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Deborah Stevens ("Stevens"), residing at 20 Edgewood Drive, Hicksville, NY, charges the above named Respondents, Atlantic Automotive Group, Inc. ("Atlantic Auto Group," "Respondent" or the "Company"), whose address is 193 Sunrise Highway, West Islip, NY, and Jacqueline Brucia, who resides at 100 Argyle Avenue, Babylon, NY 11702, with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of her disability or perceived disability and in retaliation for her complaints of discrimination. This complaint is submitted by Stevens through her attorneys, Leeds Morelli & Brown, P.C., One Old Country Road, Suite 347, Carle Place, NY 11514.

Date most recent or continuing discrimination took place is **April 11, 2012**

The particulars are:

1. Stevens is a former employee of Respondent. Stevens was first employed by Respondent from January 2009 until June 2010. While Stevens was initially hired to be the Office Manager for Respondent's Massapequa Nissan location, Respondent restructured its plans and Stevens was assigned to Respondent's Atlantic DMV office.
2. In this position, Stevens first came to know Jacqueline Brucia ("Brucia"), born on March 9, 1951, one of the Company's Controllers.
3. In June 2010, Stevens resigned her employment with Respondent in order to relocate to Florida.
4. During a return trip to New York in September 2010, Stevens visited the Company's offices, where she visited with a number of her former co-workers, including Brucia. During this visit, Brucia discussed her health with Stevens, including Brucia's need for a kidney transplant. Because she was naturally a kind and generous person, Stevens told

Brucia that, if necessary, she would be willing to donate a kidney to Brucia. At this time, Brucia declined, but told her, "You never know, I may have to take you up on that offer one day."

5. Shortly thereafter, Stevens decided to return to New York and contacted Brucia to inquire as to whether there were any opportunities for her to return to a position with the Company.
6. On November 28, 2010, Stevens returned to work with the Company in a position helping Brucia with year-end clerical tasks.
7. Shortly thereafter, Brucia learned that her kidney donor was denied approval by New York Presbyterian/Weill Cornell Medical Center and Brucia was again looking for a kidney donor. Not surprisingly, she turned to Stevens, whom Brucia was apparently grooming to be her "back-up plan," and asked her whether she could have one of Stevens' kidneys. Stevens ultimately agreed and began the process to determine whether she was qualified to be a kidney donor.
8. From January through August 2011, Stevens worked closely with Brucia and continually took on additional responsibilities, essentially working as Brucia's assistant, and was assigned an office. During this time, Stevens was frequently praised by Brucia and other co-workers for her work performance and her dedication to the Company.
9. During this same time period, Stevens was continuing through the process to make a pair exchange donation that would provide Brucia with the new kidney that she so badly needed and wanted.
10. On August 10, 2011, Stevens had her left kidney removed and donated it to someone on the National Kidney Registry which resulted in a matching kidney donated to Brucia. The procedure and its immediate aftermath were the most excruciating pain that Stevens had ever experienced. After recuperating for four weeks, Stevens returned to work on September 6, 2011.
11. Because Stevens now only has one kidney, and because of the various intestinal, digestive and neurological after-effects of the kidney removal process, Stevens is disabled within the meaning of the New York State Human Rights Laws and the Americans with Disabilities Act.

Brucia's Harassment Of Stevens

12. Upon Stevens' return to work, Brucia's treatment of her changed dramatically for the negative. Whereas Brucia was always complimentary prior to the surgery, following the surgery, Brucia was routinely curt and dismissive with Stevens and was unnecessarily critical of her work performance.
13. For example, on her third day back to work, Stevens had to leave work early because she was feeling ill. Brucia – who had not yet returned and was still working from home

while she recovered – called Stevens and berated her, telling her, “You can’t come and go as you please.”

14. Brucia’s harassment of Stevens only intensified when Brucia returned to working in the office in mid-October. Specifically, Brucia frequently blamed Stevens for mistakes that she did not make and berated her in front of co-workers and colleagues.
15. Similarly, Brucia gradually reduced Stevens’ responsibilities and even refused to let Stevens leave her desk – which only made it more difficult for Stevens to deal with the various intestinal and digestive after-effects of her kidney removal.
16. Accordingly, Brucia and the Company failed to accommodate Stevens’ legitimate medical condition in violation of the New York State Human Rights Law and the Americans with Disabilities Act.
17. When Stevens complained of these medical issues to Brucia, she responded, “I don’t care; sounds like a personal problem. I do not care!” On one occasion, Stevens broke down in tears in Brucia’s office and Brucia responded by kicking her out of her office.
18. While Stevens attempted to comply with Brucia’s ever-changing demands in order to maintain the job that provided her livelihood, Brucia took every opportunity to harass and make it impossible for Stevens to get her work done.
19. When Brucia sensed that Stevens was upset with the sudden change in her treatment, she cautioned her, “Don’t expect to be treated special because of what you did for me.”

Stevens’ Complaints To Human Resources

20. Unable to withstand Brucia’s cruel and discriminatory treatment any longer, Stevens contacted Jeffrey Peck from the Company’s Human Resources department on December 31, 2011. When Stevens recounted Brucia’s treatment of her, Peck confirmed that he had heard from other employees that Brucia had been torturing her.
21. On January 3, 2012, Stevens was called into a meeting with Brucia and Peck where Brucia continued to berate Stevens and criticize her work performance. Stevens was then asked to leave the room while Brucia and Peck met privately. When she returned, Peck told Stevens that he felt the situation was “too personal” and he would discuss “options” for Stevens after she completed work that Brucia needed her to complete for the year-end.
22. Peck then met with Stevens privately in her office where he told her that Brucia has been working for the Company for a long time and nothing is going to be done about her actions, but that he was working to transfer Stevens to another location. When Stevens expressed her desire to continue working at her present location – albeit without Brucia’s cruel and unnecessary attacks against her – Peck told her that everyone knew that she did a great job and no one was questioning her ability, but Brucia had been with the Company a long time, “so that’s that.” Ultimately, Peck told Stevens, “let’s just get the year-end work done, then we’ll talk.”

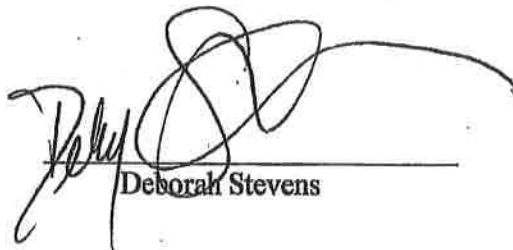
23. While Peck discussed a possible transfer to the Company's Advantage Nissan location in Westbury, Peck later informed Stevens that, beginning on February 6, 2012, she would be assigned to the Company's Millennium Toyota location in Hempstead.
24. As a result of the this transfer, Stevens' commuting time has increased substantially, her job duties are more monotonous, her work schedule has increased from 9:00 a.m. to 5:00 p.m. to 9:30 a.m. to 6:00 p.m., she no longer has the opportunity to work overtime, and she is assigned to a low-walled cubicle – not an office – in an unprofessional work environment that is rife with inappropriate racial comments by her new co-workers.
25. Additionally, Stevens was routinely berated by Beth Sheridan, one of the Company's Controllers, for relatively minor performance-related issues. Similarly, when Stevens began to become emotional, Sheridan accused her of "acting," saying, "Here come the fake tears. . . . We all know you don't want to be here."
26. On March 5, 2012, Stevens' attorneys sent the Company a letter detailing the above-outlined discrimination and harassment. This correspondence specifically asserted that Stevens had been subjected to disability discrimination in violation of federal and state disability discrimination laws.
27. On March 26, 2012, a law firm representing the Company responded to Stevens' correspondence by denying that Stevens had been subjected to any violation of her civil rights and offering to return Stevens to her prior work location.
28. On April 11, 2012, only a few weeks after Stevens' latest complaint of discrimination, Stevens was notified that her employment with Respondent had been terminated, purportedly for performance reasons, despite having never been placed on any type of performance improvement plan. Accordingly, Respondent terminated Stevens' employment with the Company in retaliation for her prior complaints of discrimination.
29. As a dedicated employee of Atlantic Auto Group, Stevens is devastated by the Company's treatment of her. As a result, she has suffered, and continues to suffer, a great deal of economic harm, as well as a great deal of physical pain, humiliation, mental anguish and emotional distress.
30. Stevens respectfully requests that her complaint be cross-filed with the Equal Employment Opportunity Commission.

Based on the foregoing, Stevens charges Respondent with an unlawful discriminatory practice relating to employment because of her disability or perceived disability and in retaliation for having complained of discrimination in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296 and Americans with Disabilities Act.

Prior to commencing this action, Stevens has not commenced any other civil action, nor does she have an action pending before any administrative agency, under any state or local law, based upon these same unlawful discriminatory and retaliatory practices.

VERIFICATION

Deborah Stevens, being duly sworn, deposes and says that she is the complainant herein, that she has read the foregoing complaint and knows the content thereof, that the same is true of her own knowledge except as to the matters therein stated on information and belief, and that as to those matters, she believes the same to be true.



Deborah Stevens

Subscribed and sworn to
before me this 20th day
of April 2012



Notary Public

MATTHEW WEINICK
Notary Public-State of New York
No. 01WE6132852
Qualified in Nassau County
Term Expires Aug. 29, 2013