

CITY OF NEW YORK
COMMISSION ON HUMAN RIGHTS

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In the Matter of

COMMISSION ON HUMAN RIGHTS
ex rel. LISERNY FERNANDEZ,

Complaint No. M-E-SO-15-1031316;
M-E-SO-17-05626

Petitioner,

-against-

OATH Index No. 1245/19

GIL'S COLLISION SERVICES INC.,
d/b/a D & R COLLISION CORP.
and GILBERT VELEZ, JR.,

Respondents.

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DECISION AND ORDER

I. BACKGROUND

On May 31, 2023, the Office of the Chair of the New York City Commission on Human Rights (“the Commission”) issued a Decision and Order finding Respondent Gil’s Collision Services Inc., d/b/a D & R Collision Corp. and Respondent Gilbert Velez, Jr. (together, “Respondents”) liable for gender-based employment discrimination in violation of Section 8-107(1)(a) of Title 8, Chapter 1 of the New York City Administrative Code (“NYCHRL” or “Law”) and retaliation, including termination, in violation of Section 8-107(7) of the NYCHRL. *See Comm’n on Hum. Rts. ex rel. Liserny Fernandez v. Gil’s Collision Services Inc.*, OATH Index No. 1245/19, Comm’n Dec. & Order, 2023 WL 3974499 (May 31, 2023). Knowledge of the procedural history and facts of this matter is presumed.

Presently before the Commission is Complainant Liserny Fernandez’s (“Complainant”) June 14, 2023 application for attorney’s fees and costs (“the Application”). Complainant informed the Commission of her intent to seek attorney’s fees in comments following the Office of Administrative Trials and Hearings Judge’s report and recommendation as required by Section 1-66(d) of Title 47 of the Rules of the City of New York (“the Rules”). The Application is timely-filed, and neither Respondents nor the Law Enforcement Bureau of the New York City Commission on Human Rights (“the Bureau”) have filed a response or opposed the application. *See* 47 RCNY §§ 1-81, 83. The Application includes a Notice of Motion (Compl. Notice) and Memorandum of Law (Compl. Memo), as well as time records (Compl. Ex. B), a record of expenses (Compl. Ex. C), and an affirmation (Compl. Affirm). Complainant served the Application on the Commission, the Law Enforcement Bureau, and Respondents. (Compl. Notice, Compl. Memo, Compl. Affirm).

The Application seeks a total amount of \$35,661.76, comprised of \$35,460.00 in fees and \$201.76 in costs. (Compl. Affirm, ¶¶ 32, 34). For the reasons set forth herein, the Commission grants the motion in part, denies in the motion in part, and orders Respondent to pay Complainant's attorney's fees and costs in the amount of \$35,543.76.

II. DISCUSSION

When the Commission finds that a respondent engaged in any unlawful discriminatory practice or act of discriminatory harassment or violence under Chapter 6 of the New York City Human Rights Law, which includes Sections 8-107(1)(a) and 8-107(7) of the Law, the Commission may order respondents to take actions that effectuate the purposes of the NYCHRL. N.Y.C. Admin. Code § 8-120(a). Respondent can be ordered to pay a complainant's "reasonable attorney's fees, expert fees and other costs," among other forms of relief. N.Y.C. Admin. Code § 8-120(a)(10).¹ The Commission may award fees and costs to a complainant where the Commission issues a "memorandum decision holding a respondent liable for an unlawful discriminatory practice, act of discriminatory harassment, or act of bias-based profiling" and the complainant timely applies to the Commission for an award. 47 RCNY § 1-81. This application must be made within fourteen days of service of the decision, and "must include a memorandum and copies of time records, accompanied by an affidavit or affirmation." *Id.* The Commission reviews the application then issues a supplemental decision and order, granting, denying, or modifying an award. *Id.* The Commission has broad discretion in setting fee awards. *See, e.g., Guang Ping Zhu v. Salaam Bombay, Inc.*, No. 16-cv-4091 2019 WL 76706, at *1 (S.D.N.Y. Jan. 2, 2019) (quoting *Tackie v. Keff Enters. LLC*, No. 14-cv-2074, 2014 WL 4626229, at *6 (S.D.N.Y. Sept. 16, 2014)) ("[C]ourts enjoy broad discretion when setting a fee award, but they must clearly and concisely state reasons supporting the award.").

A. Legal Standard for Attorney's Fees

1. The Lodestar Method

Pursuant to the NYCHRL, and the Commission's rules, "[a]ttorney's fees will generally be calculated under the lodestar method, multiplying the number of hours reasonably expended on the case by a reasonable hourly rate." 47 RCNY § 1-82. Further, the Commission "may consider matter-specific factors when determining the complainant's attorney's fee award." N.Y.C. Admin. Code § 8-120(a)(10).

a. *Reasonableness of the Hourly Rate*

A component of the lodestar method is "assessing a reasonable hourly rate," for which "the Commission may consider, among other things, the skill and experience of the attorney, and the hourly rate typically charged by attorneys of similar skill and experience litigating similar cases in New York county." 47 RCNY § 1-82; *see* N.Y.C. Admin. Code § 8-120(a)(10)(ii)-(iii).

¹ In the Memorandum of Law, Complainant cites N.Y.C. Admin Code § 8-502(g) in support of her right to seek attorney's fees and costs. This citation is misplaced, as N.Y.C. Admin Code § 8-502(g) addresses the availability of attorney's fees and costs in civil actions filed in court, as opposed to matters filed at the Commission. Notwithstanding the incorrect citation, Complainant is entitled to seek attorney's fees and costs under N.Y.C. Admin Code § 8-120(a) and 47 RCNY § 1-81.

b. Reasonableness of Time Spent

Computing attorneys' fees also requires "assessing the amount of time reasonably spent on a matter," for which "the Commission may consider, among other things, the novelty and difficulty of the issues presented in the case and the degree of success ultimately achieved, including whether the litigation acted as a catalyst to effect policy change on the part of the respondent, regardless of whether that change has been implemented voluntarily." 47 RCNY § 1-82; *see* N.Y.C. Admin. Code § 8-120(a)(10)(i). An applicant requesting attorney's fees "should make a good faith effort to exclude from its fee request time for work that is excessive, redundant, or otherwise unnecessary." 47 RCNY § 1-82(a). "Regardless of who performs the work, tasks which are clerical or secretarial in nature should be billed at an administrative rate and tasks which could be performed by a paralegal should be billed as such." *Id.* Further, "[t]ime records should be set forth with sufficient particularity to enable an assessment of the accuracy of the records and whether the amount of time expended was reasonable." *Id.* § 1-82(b). Consistent with the Commission's discretion, the agency "may reduce a fee award where time records do not adequately describe the nature of the work performed." *Id.*

B. Reasonable Fees and Costs in this Matter

In the present application, Complainant seeks payment of attorney's fees and costs in the amount of \$35,661.76, based on a lodestar analysis. (Compl. Mem. at 1-2). Complainant's attorneys submitted documentation showing they had accrued \$35,661.76 in fees and costs, comprised of \$35,460.00 in legal fees and \$201.76 in out-of-pocket expenses. (Compl. Affirm ¶¶ 32, 34). The Commission must therefore decide whether these amounts are reasonable, and consistent with general practice, and Commission rules, will utilize the lodestar method, 47 RCNY § 1-82; *see* N.Y.C. Admin. Code § 8-120(a)(10). For the reasons set forth below, \$35,543.76 is a reasonable fee award in the matter at hand.

1. Reasonableness of the Hourly Rate

As set forth above, these factors include, *inter alia*, "skill and experience" of the attorneys, NYC Admin. Code § 8-120(a)(10)(ii); 47 RCNY § 1-82 and "the hourly rate charged by attorneys of similar skill and experience litigating similar cases in New York county." N.Y.C. Admin. Code § 8-120(a)(10)(iii); 47 RCNY § 1-82. *See also Mayo-Coleman v. Am. Sugars Holding, Inc.*, No. 14-cv-0079, 2019 WL 1034078, at *2 (S.D.N.Y. Mar. 5, 2019) (quoting *Marchuk v. Faruqi & Faruqi LLP*, 104 F. Supp. 3d 363, 366 (S.D.N.Y. 2015)) (stating that the lodestar method is assessed with reference to "similar work by attorneys of like skill in the jurisdiction."). Reasonableness of rates is assessed using current, rather than historical rates. *See Ravina v. Columbia University*, 16-cv-02137, 2020 WL 1080780, at *7 (S.D.N.Y. Mar. 6, 2020); *Lewis v. American Sugar Refining, Inc.*, 14-cv-02302, 2019 WL 116420, at *2 (S.D.N.Y. Jan. 2, 2019).

In this case, Complainant's request is based on hourly rates of six individuals: \$450 for attorney Armando Ortiz ("Ortiz"), \$475 for attorney Frank Mazzaferro ("Mazzaferro"), \$400 for attorney Arsenio Rodriguez ("Rodriguez"), \$300 for attorney Nicholas P. Melito ("Melito"), \$150 for paralegal Vanessa Simet ("Simet"), and \$125 for administrative assistant Nicole D'Apice ("D'Apice"). (Compl. Affirm ¶ 32). All were employed by Fitapelli & Schaffer, LLP ("F&S") when working on this case. (*See id.*)

a. Skill and Experience

Ortiz is a partner at F&S and has been lead counsel on this case since August 2019. (Pet. Affirm ¶ 23). Ortiz has exclusively practiced plaintiff-side employment litigation since 2012, and has 11 years of experience in this area at present. (*Id.*) Mazzaferro is a partner at F&S. (*Id.* ¶ 24). Mazzaferro has exclusively represented plaintiffs in employee rights matters, including in litigation, since joining F&S over ten years ago. (*Id.*) He was an associate from 2011-2019 and has been a partner since July 2019. (*Id.*) Rodriguez graduated law school in 2009. (*Id.* ¶ 25). He handled criminal matters as an Assistant District Attorney at the Queens County District Attorney's Office for almost four years, and also worked in the White Collar Crime and Regulatory Defense department at Paul, Weiss, Rifkind, Wharton & Garrison LLP. (*Id.*) Complainant's materials do not indicate how long Rodriguez was employed by F&S or provide specific information regarding employment litigation experience, or anti-discrimination work. Melito was employed at F&S as an attorney between March 2014 and August 2018. (*Id.* ¶ 26). Simet worked at F&S from May 2014 to August 2019. (*Id.* ¶ 28). She was employed as a from December 2015 to August 2019 and prior to that was an administrative assistant from May 2014 to December 2015. (*Id.*) D'Apice has been an administrative assistant at F&S since November 2016. (*Id.* ¶ 27).

The requested rates reflect that the attorneys involved in the matter have varying degrees of general experience, and differing qualifications specific to employment law, and representation of individual plaintiffs. This factor weighs in favor of a reasonableness finding for the requested rates for attorneys. For the support staff roles, the Application did not offer any details on the relative rates or work experience, or explain the basis for the \$25 per hour difference between a paralegal and administrative assistant role at F&S.

b. Rates of Attorneys of Similar Skill and Experience Litigating Similar Cases and Additional Factors

Assessing the reasonableness of the requested rate also requires consideration of "the hourly rate charged by attorneys of similar skill and experience litigating similar cases in New York county." N.Y.C. Admin. Code § 8-120(a)(10)(iii); 47 RCNY § 1-82. Attorneys Ortiz, Mazzaferro, and Rodriguez are all experienced litigators, and Ortiz and Mazzaferro have spent significant time focused on employment matters. (Compl. Affirm. ¶ 23-25). As set forth above, as of the date of the Application, Ortiz and Mazzaferro practice as partners at F & S.² (Compl. Affirm. ¶ 23-24). Melito, who is no longer at F&S, is an associate with less experience. (*Id.* ¶ 26). Simet, who is also no longer at F&S, is a paralegal. (*Id.* ¶ 28). The uncontested, requested rates of \$450 for Ortiz, \$475 for Mazzaferro, \$400 for Rodriguez, \$300 for Melito, and \$150 for Simet fall within the ranges of rates that courts in the Southern District have approved in employment discrimination cases for similarly situated attorneys and paralegals, weighing in favor of a finding of reasonableness. *See, e.g. Lewis*, 2019 WL 116420, at *4(citing *Mugavero v. Arms Acres*, No. 03-cv-05724, 2010 WL 451045, at *5 (S.D.N.Y. Feb. 9, 2010)) (Southern

² It is appropriate to calculate the lodestar using current hourly rates, even where attorneys were promoted before or after the litigation. *See Ravina*, 2020 WL 1080780, at *7 (citing *Lochren v. Cty. of Suffolk*, 344 F. App'x 706, 709 (2d Cir. 2009)) ("the Second Circuit has remanded fee awards in employment discrimination suits where the district court failed to award fees at current rates, because 'compensation received several years after the services were rendered—as it frequently is in complex civil rights litigation—is not equivalent to the same dollar amount received reasonably promptly as the legal services are performed.'") (citation omitted).

District employment discrimination case with NYCHRL claims where the court stated “[c]ourts in this district have approved hourly rates of \$250 to \$600 for civil rights attorneys with over ten years of experience and of \$200 to \$350 for associates” and awarded rates of \$500 and \$450 to partners, \$300 for an associate, and \$125 for a paralegal); *Ravina*, 2020 WL 1080780, at *5 (Southern District case including NYCHRL claims where the court awarded between \$552.50 and \$780 for partners, between \$487.50 and \$552.50 for senior litigation counsel, between \$276.25 and \$308.75 for associates, and \$150 for legal assistants).³

For D’Apice, as set forth above, there is no information provided about her duties as an administrative assistant. The Application did not explain why a \$125 per hour rate, which Southern District case law has found to be an appropriate rate for a paralegal in some instances, *see, e.g., Lewis*, 2019 WL 116420, at *4; *see also Reyes v. Coppola’s Tuscan Grill, LLC*, 2023 WL 4303943, at *12 (S.D.N.Y. June 13, 2023) (stating in a labor law case that “[h]ourly rates for paralegals of \$100 to \$150 per hour are typical for awards in this District.”) (citations omitted), is a fitting rate for an administrative assistant in this matter. Thus, the Commission reduces the requested \$125 hourly rate to \$80. *See Malletier v. Artex Creative Int’l Corp.*, 687 F. Supp. 2d 347, 362 (S.D.N.Y. 2010) (reducing requested rates of staff from between \$105 to \$265 per hour to \$100/hour for staff due to lack of reasonableness showing for the requested rates); *Yea Kim v. 167 Nail Plaza, Inc.*, 05-cv-8560, 2009 WL 77876, at *9 (S.D.N.Y. Jan. 12, 2009) (“[a]s for the paralegals, because we have been given no information whatsoever as to their experience and expertise, we will instead award an hourly rate of \$50); *Trs. of Pavers & Rd. Builders Dist. Council Welfare, Pension, Annuity & Apprenticeship, Skill, Imp. & Safety Funds v. WJL Equities Corp.*, No. 13-cv-0853, 2015 WL 6965146, at *4 (E.D.N.Y. Nov. 10, 2015) (finding \$80 per hour to be a reasonable rate for a legal assistant in a labor law case); *Prot. One Alarm Monitoring, Inc. v. Executive Prot. One Sec. Serv., LLC*, 553 F.Supp.2d 201, 209 (E.D.N.Y.2008) (reducing requested paralegal rate from \$135/hour to \$80/hour and stating that “[w]here the moving party fails to provide information on the attorneys’ and paralegals’ backgrounds and experience, courts have used their discretion to award fees at a rate lower than requested”).

As described above, the Commission may consider additional factors in assessing the reasonableness of an attorney’s fee. The fact that a case was handled on a contingency fee basis can be a relevant factor in determining an attorney fee award. *See Ravina*, 2020 WL 1080780, at *4 (citing *Arbor Hill Concerned Citizens Neighborhood Ass’n v. County of Albany*, 522 F.3d 182, 186 n.3 (2d Cir. 2008)) (considering “whether the fee is fixed or contingent” as a factor in evaluating the reasonableness of the hourly rate) (citation omitted). Here, the Commission notes that F&S handled the individual case on a contingency fee basis. Although the Complainant prevailed in this matter, attorneys handling such cases engage in representation without any guarantee of payment. (Compl. Memo, 4-5); *see also id.*, at *6. A reasonable fee award can incentivize representation in individual anti-discrimination cases, which may be limited in scope and size, and encourage enforcement of statutes like the NYCHRL. The fact that this matter was

³ The rates discussed in these 2019 cases would be even higher today when adjusted for inflation. *See Ravina*, 2020 WL 1080780, at *6-*7 (adjusting comparable awards for inflation when determining appropriate fees).

handled on a contingency fee basis weighs in favor of reasonableness of the requested rates, with the exception of the requested rate for D'Apice as explained above.

2. Reasonableness of Hours Expended on Case

The lodestar analysis is also based upon the hours worked on the case being deemed reasonable. This element reflects factors that include (1) the novelty and difficulty of the issues presented and (2) the party's degree of success. *See* N.Y.C. Admin. Code § 8-120(a)(10)(i); 47 RCNY § 1-82. A party's degree of success includes the case's ability to bring about policy change. *See* 47 RCNY § 1-82 ("In assessing the amount of time reasonably spent on a matter, the Commission may consider, among other things . . . the degree of success ultimately achieved, including whether the litigation acted as a catalyst to effect policy change on the part of the respondent, regardless of whether that change has been implemented voluntarily.").

a. Novelty and Difficulty of the Issues Presented in the Case

The underlying case involved gender-based harassment and retaliation in employment, and the important intersections of sexual harassment, workers' rights, and gender equality in the workplace, which sit at the core of the NYCHRL's sexual harassment protections. The harassment was severe, and Complainant endures lasting negative impacts. Respondents — an individual and his four related businesses — delayed proceedings and failed to provide critical information in discovery. One complex question raised during the case related to Respondents' business structure and the threshold for an employer to be a covered employer under the NYCHRL.⁴ The final Decision and Order reflects the Commission's conclusion that Respondents were subject to the Human Rights Law's provisions, and failed to comply with multiple aspects of the Law. *See Fernandez*, 2023 WL 3974499, at *12. Aside from these facets of the case, the majority of the legal issues were fairly typical for gender-based harassment cases. The crux of the issues were factual, rather than legal. The harassment was demonstrably pervasive and severe, bolstering the liability finding. The damages were also ascertainable in light of the credible witness testimony and corroborating evidence. In reviewing the time records, the limited legal complexity appears to be reflected — over the course of multi-year litigation, Complainant's attorneys billed less than 87 hours on this matter. Considering the size and nature of the litigation, this factor supports a finding of reasonableness for time spent.

b. Degree of Success Ultimately Achieved

Ultimate success is another important factor in the analysis of fees. 47 RCNY § 1-82. "Both the quantity and quality of the relief obtained, as compared to what the plaintiff sought to achieve as evidenced in [the] complaint, are key factors in determining the degree of success achieved." *Ravina*, 2020 WL 1080780, at *4 (quoting *Barfield v. New York City Health & Hosps. Corp.*, 537 F.3d 132, 152 (2d Cir. 2008)).

In this case, Complainant succeeded on the merits of all of the claims, which resulted in the Commission ordering its highest-ever award of damages for a complainant. *See Fernandez*,

⁴ As described in *Fernandez*, the prohibitions on gender-based harassment contained in N.Y.C. Admin. Code 8-107 applied to employers with four or more employees at the time Respondents violated the NYCHRL in this matter. *Fernandez*, 2023 WL 3974499, at * 26 n.2. Since May 9, 2018, the NYCHRL has covered employers with any number of employees for gender-based harassment claims. (Local Law No. 98 of 2018.)

2023 WL 3974499, at *24. Accordingly, this factor also supports a finding that the amount of hours spent on this matter were reasonable.

In addition, the Ultimate Decision requires substantial policy change on the part of Respondents. As a result of Complainant's case, Respondents are required to: institute a written anti-discrimination policy that includes a clear reporting and investigation procedure; train future and current staff on the NYCHRL; and take an anti-sexual harassment training offered by the New York City Commission on Human Rights. *See Fernandez*, 2023 WL 3974499, at *24. This forward looking, affirmative relief, can allow for positive, significant changes in the workplace where Complainant experienced discrimination, and demonstrates what is required of employers across New York City. These measures illustrate the success of litigating Complainant's claims and support the reasonableness of the hours spent on this matter.

c. Time Records

As part of an assessment of a fee award, the Commission considers attorneys' time records. This includes evaluating whether any work billed at an attorney rate is clerical or administrative in nature. 47 RCNY § 1-82(a). Clerical and administrative work must be billed at a paralegal or administrative rate, regardless of whether an attorney performs those tasks. 47 RCNY § 1-82(a). Billed time that is excessive, redundant, or otherwise unnecessary can lessen an award. *Id.* Time records must contain "sufficient particularity" to allow the Commission to assess the accuracy of the records and whether the amount of time expended was reasonable. *Id.* § 1-82(b). The Commission may reduce a fee award where time records do not adequately describe the nature of the work performed. *Id.*

Complainant's attorneys billed a total of 86.70 hours for their work. (Compl. Ex. B.) The most significant time expenditures involved preparing for and attending the OATH trial. (*Id.*) Other larger time allotments detailed in the record include drafting: a cross-examination outline in preparation for trial; comments on the Report and Recommendation; and a rebuttal statement. The vast majority of entries were for minimal increments of time and involved communications between Complainant and the Bureau. (*Id.*) The Bureau was the petitioner in the case. F & S's ongoing communications with the Complainant, the Bureau, and involvement in trial preparation and the trial itself are reasonable and constitute core aspects of individual representation in Commission proceedings. Accordingly, the majority of the Complainant's attorneys' time records are reasonable.

There are two entries in the submitted time record billed at an attorney rate that require additional scrutiny. The record reflects ordering a transcription service, which appears on its face to be an administrative task. There is no precise definition of what constitutes an administrative task, however, it generally encompasses tasks that a client would not be willing to pay for at an attorney rate. *See Lilly v. City of New York*, 934 F.3d 222, 234 (2d Cir. 2019) ("[T]he key inquiry in determining the reasonableness of an attorney's hourly rate and hours billed is whether a paying client would be willing to pay the fee."). Such tasks can include sending and receiving faxes, requesting and receiving medical records, *id.*, and scheduling a court reporter. *See Chauca v. Park Management Systems*, No. 10-cv-05304, 2016 U.S. Dist. LEXIS 94886, at *4 (E.D.N.Y. July 18, 2016), *report and recommendation adopted*, No. 10-cv-05304, 2016 U.S. Dist. LEXIS 106703 (E.D.N.Y. Aug. 8, 2016). Complainant's time record contains an entry for April 8, 2019 that reads "[e]mail to US Legal regarding transcription service," with a separate entry dated April 12, 2019 that reads "[e]mail from US Legal regarding

recording transcript.” Tasks related to organizing transcription services are clerical in nature, and no additional information was provided that demonstrates otherwise. Accordingly, the transcription services tasks must be billed at an administrative rate. Given that these tasks took a combined 0.2 hours, when billed at the administrative assistant rate of \$80 per hour, the amount awarded for these entries is reduced from \$80 to \$16.

Overall, the time billed and sought in the application is neither excessive nor redundant. As described above, Complainant’s attorneys billed a total 86.70 hours for the entirety of their work on this matter, and the nature of the work billed was reasonable.

In sum, apart from the reduction in the administrative assistant’s rate from \$125 to \$80 and the resultant \$54 total reduction for D’Apice’s 1.2 billed hours, as well as the \$64 reduction for administrative tasks billed at an attorney rate, Complainant’s attorneys’ hourly fees and time are reasonable under the lodestar method. Complainant’s attorneys are entitled to \$35,342.00 in attorneys’ fees.

3. Costs

In addition to attorneys’ fees, Complainant’s attorneys are also requesting a total of \$201.76 in costs and out-of-pocket expenses in handling this case. (Compl. Affirm ¶¶ 32, 34). Complainant includes the necessary receipts of the costs incurred, including \$48.96 for mailings of documents related to the complaint and \$152.80 for a legal transcription service. (Compl. Ex. C). Costs related to transcription services, *Ravina*, 2020 WL 1080780 at *15, and mailing of documents, *LeBlanc-Sternberg v. Fletcher*, 143 F.3d 748, 763 (2d Cir. 1998), are both the types of expenses that are regularly compensated in attorneys’ fees orders. The costs are reasonable in this case and were necessary for representing the Complainant. The Commission awards the \$201.76 in full.

III. CONCLUSION

For the reasons set forth herein, the Commission grants Complainant’s motion in part and denies it in part, and orders Respondents to pay Complainant’s reasonable attorneys’ fees and costs in the amount of \$35,543.76.

FOR THE REASONS DISCUSSED HEREIN, IT IS HEREBY ORDERED that no later than five (5) calendar days after service of this Order, Respondents pay the Complainant’s attorneys a total of \$35,543.76 (comprised of \$35,342.00 in fees and \$201.76 in costs) by sending to the New York City Commission on Human Rights, 22 Reade Street, New York, New York 10007, Attn: General Counsel, a bank certified or business check made payable to FITAPELLI & SCHAFFER, LLP including a written reference to OATH Index No. 1245/19.

Failure to timely comply with any of the foregoing provisions shall constitute non-compliance with a Commission Order. Respondents shall pay a penalty of \$100.00

per day for every day the violation continues. N.Y.C. Admin. Code § 8-124. Furthermore, failure to abide by this Order may result in criminal penalties. *Id.* at § 8-129.

Civil penalties are paid to the general fund of the City of New York.

Dated: New York, New York
November 9, 2023

SO ORDERED:
New York City Commission on Human Rights

A handwritten signature in black ink, appearing to read "Annabel Palma", is written over a horizontal line. The signature is fluid and cursive.

Annabel Palma
Commissioner/Chair