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VIA EMAIL
CONFIDENTIAL SUBMISSION FOR THE NEW YORK STATE ASSEMBLY
COMMITTEE ON ETHICS AND GUIDANCE

Carolyn Kearns, Esq.
Deputy Counsel to the Majority
New York State Assembly
645 Madison Avenue, 5th Floor
Albany, New York 12248

Re: [REDACTED] and [REDACTED]

Dear Ms. Kearns:

As you know, I represent [REDACTED] and [REDACTED] two current employees of the Assembly, in connection with their complaints of sexual harassment against Assemblymember Vito Lopez. In advance of the anticipated meeting of the Assembly's Committee on Ethics and Guidance (the "Committee") on Friday, July 27, 2012, you have asked that we provide a written statement concerning the complaints of [REDACTED] and [REDACTED] (collectively, "Complainants"). In order to accommodate this request and because Complainants wish to cooperate with the Committee, I am providing this summary of [REDACTED] and [REDACTED] complaints, including illustrative examples of Assemblymember Lopez's sexually harassing conduct.¹

¹ This letter is not intended to be an exhaustive account of each incident of sexual harassment that [REDACTED] and [REDACTED] experienced.

I. Background of the Complainants

██████████ who is 26 years old, grew up in Kingston and Woodstock, New York. She received her undergraduate degree in Political Science and English in 2008 from the University at Buffalo. ██████████ father is a career public servant who retired in 2010 as the Director of Emergency Preparedness of the New York State Department of Health. Based on her father's example, ██████████ has had public service aspirations for as long as she can remember. Immediately prior to working for Assemblymember Lopez, ██████████ worked for more than two years in Albany as a Legislative Aide for District Council 37. ██████████ greatly enjoyed her job with DC 37, but her immediate professional goal was to obtain a position with the New York State Legislature so that she could gain government experience and contribute more directly to the lawmaking process. Therefore, when ██████████ received an employment offer from Assemblymember Lopez, she resigned her DC 37 position and moved from Albany to Brooklyn. ██████████ began to work for the Assembly as a Legislative Aide on April 16, 2012.

██████████ who is 24 years old, grew up in Brooklyn, New York. In 2010, she received her undergraduate degree in Political Science from Bard College in Annandale-on-Hudson, New York. ██████████ has been interested in government and politics since middle school and aspires to one day be elected to public office to represent and serve her fellow New Yorkers. ██████████ has previously held relevant internships with the Legal Services Corporation and in the office of a New York City Council Member. While searching for a full-time government position following her graduation from college, ██████████ has held a few administrative positions in addition to working for her mother's interior design business in Brooklyn. In April 2012, she accepted Assemblymember Lopez's offer to become a Legislative Aide in his Brooklyn office. She began work for the Assembly on April 17, 2012.

██████████ and ██████████ are young women who should be on the path to successful public service careers. They are intelligent, hard working, and idealistic. Neither of them has ever been involved in any kind of legal dispute, nor have they ever had any previous occasion to complain of sexual harassment or discrimination in the workplace. Complainants began to work for the Assembly with great enthusiasm and a willingness to serve Assemblymember Lopez and the people of New York State.

II. Assemblymember Lopez's Sexual Harassment of Complainants

Soon after Complainants began to work for Assemblymember Lopez, it became clear to them that he did not observe normal professional boundaries. Not long after that, Mr. Lopez's conduct deteriorated into egregious sexual harassment. In the approximately three months that they have worked for the Assembly, Mr. Lopez has repeatedly made inappropriate comments to both ██████████ and ██████████ about their physical appearance, their bodies, their attire, and their private relationships. Mr. Lopez has repeatedly made unwelcome sexual

overtures to both [REDACTED] and [REDACTED]. Mr. Lopez has repeatedly made inappropriate physical contact with both [REDACTED] and [REDACTED]. And Mr. Lopez has used his position as a public official and employer to demand that [REDACTED] and [REDACTED] accept, and even welcome, his outrageous behavior in order to keep their jobs.

Although [REDACTED] and [REDACTED] found Mr. Lopez's behavior to be offensive and demeaning, he repeatedly forced [REDACTED] and [REDACTED] to communicate to him that they cared for and admired him and also required that they be available at any hour of the day or night to respond to him. Moreover, Complainants were required to spend countless hours, including late nights and weekends, in Mr. Lopez's presence. This was usually required not due to any work-related reason, but simply because Mr. Lopez wanted [REDACTED] and [REDACTED] to be near him. When [REDACTED] and [REDACTED] submitted to Mr. Lopez's inappropriate behavior, Mr. Lopez said that he would raise their salaries, referred to each of them as his Chief of Staff, and dangled the prospect of promotions. However, when [REDACTED] and [REDACTED] refused his inappropriate requests or rebuffed his offensive behavior, Mr. Lopez would become enraged and threatened their jobs. Mr. Lopez made it clear that submission to his sexually harassing conduct was a non-negotiable term of Complainants' employment.

A. Mr. Lopez's Specific Behaviors Toward [REDACTED]

The following are examples of Mr. Lopez's sexually harassing conduct toward [REDACTED]

- On June 22, 2012, while at the Brooklyn Democratic Club, Mr. Lopez asked [REDACTED] if she would accompany him on a trip to Russia and sleep in the same bed with him. When [REDACTED] communicated that she would not do that, Mr. Lopez got very upset and stormed out of the Club.
- Mr. Lopez frequently told [REDACTED] that she should not wear a bra. On one occasion, Mr. Lopez told [REDACTED] that she looked nice, but he would rather she not wear a bra, and then proceeded to snap her bra from the back.
- Mr. Lopez frequently accused [REDACTED] of having a prior sexual relationship with a former boss of hers. [REDACTED] asked Mr. Lopez to stop making such statements because it made her uncomfortable, but Mr. Lopez persisted in doing so.
- On multiple occasions, Mr. Lopez required [REDACTED] to massage his hand. While [REDACTED] did that, Mr. Lopez sometimes pushed his hand in between [REDACTED] legs, forcefully making contact with her inner thigh. When this happened, [REDACTED] attempted to lift Mr. Lopez's hand up and off of her, but

Mr. Lopez would not stop. Typically, this happened when Mr. Lopez was driving [REDACTED] home late at night and while Mr. Lopez was highly inebriated.

- When in Albany, Mr. Lopez asked [REDACTED] if she would kiss him if the Assembly passed certain legislation they had worked on. [REDACTED] replied: "on the cheek," but Mr. Lopez insisted that it be on the lips.
- On July 10, 2012, Mr. Lopez required [REDACTED] to accompany him on a trip to Atlantic City. There was no work purpose for this trip. Before the trip, Mr. Lopez told [REDACTED] that she should not wear a bra on the trip, which, as stated above, was a frequent obsession of his. When [REDACTED] defied Mr. Lopez's instruction and wore a bra, Mr. Lopez became very angry and refused to talk to [REDACTED] for hours.
- When Mr. Lopez and [REDACTED] arrived in Atlantic City, Mr. Lopez insisted that they go up to a room he had reserved at the Borgata Hotel in order to "freshen up." (Mr. Lopez apparently had been "comped" for the room, even though [REDACTED] had made it clear that she was not staying in Atlantic City overnight). While they were in the hotel room, Mr. Lopez tried to kiss [REDACTED] on the lips. [REDACTED] said "no" and had to push Mr. Lopez away several times before Mr. Lopez accepted that she would not submit to his advances.²
- Mr. Lopez told [REDACTED] that she should grow her hair out to make it look more like [REDACTED] hair. Mr. Lopez said that [REDACTED] "used her hair to be sexy."
- Mr. Lopez told [REDACTED] that she and [REDACTED] were "well endowed" and that [REDACTED] should "play that up."
- On multiple occasions when Mr. Lopez was angry, he called [REDACTED] a "bitch."
- On more than one occasion, Mr. Lopez required [REDACTED] to rub his neck while he was driving.
- On many occasions, Mr. Lopez told [REDACTED] that she should wear short skirts to work and that she should use her sexuality in meetings, including crossing and uncrossing her legs to get a reaction. Mr. Lopez further said that watching the reactions of other people to [REDACTED] would excite him and turn him on.

² This incident was especially frightening for [REDACTED] because Mr. Lopez is approximately six feet and five inches tall and is physically imposing.

- On June 11, 2012, while in Mr. Lopez' Albany office, Mr. Lopez purchased "Playguy" magazine as a practical joke on one of his friends. However, before giving the magazine to his friend at a birthday celebration that evening, he asked [REDACTED] to place fake mailing labels on the magazine and to read it. [REDACTED] feeling embarrassed, left the room.

B. Mr. Lopez's Specific Behaviors Toward [REDACTED]

The following are examples of Mr. Lopez's sexually harassing conduct toward Ms. [REDACTED]

- Mr. Lopez frequently asked [REDACTED] to wear mini skirts, button down blouses and high heels for him. Whenever [REDACTED] wore something that Mr. Lopez liked, he would ask [REDACTED] if she dressed for him.
- Mr. Lopez told [REDACTED] that he considered her the most attractive person in the office.
- Mr. Lopez frequently asked [REDACTED] to massage his hand for him, purportedly because he had lost feeling in it. On one occasion, [REDACTED] submitted to this request and massaged his hand. Mr. Lopez also asked [REDACTED] to give him a manicure. According to Mr. Lopez, giving him a manicure would demonstrate that [REDACTED] cared and respected him.
- Mr. Lopez required [REDACTED] to meet with him twice a week after work, purportedly to discuss work-related matter. However, these meetings quickly devolved into matters unrelated to work, as Mr. Lopez told [REDACTED] that he needed her to be his "therapy."
- At these "therapy" sessions, Mr. Lopez told [REDACTED] that she had beautiful eyes and that he liked being "with a hot chick." Mr. Lopez frequently tried to hold [REDACTED] hand. When [REDACTED] pulled her hand away, Mr. Lopez became angry. On one occasion, Mr. Lopez grabbed [REDACTED] hand and, when she tried to pull it away, tightened his grip and counted to sixty until he released [REDACTED]
- Mr. Lopez repeatedly spoke with [REDACTED] about the problems he had in the relationship with his girlfriend, and how he was "floating from woman to woman." Mr. Lopez also constantly pried into [REDACTED] relationship with her boyfriend, and refused to accept that [REDACTED] did not want to discuss it with him.

- Mr. Lopez asked [REDACTED] to accompany him to Atlantic City, purportedly for more “therapy” and because he wanted a “hot chick” to be with him.
- After [REDACTED] rejected Mr. Lopez’s invitation to go to Russia and share a bed with him, Mr. Lopez asked [REDACTED] to take the trip with him. Mr. Lopez told [REDACTED] that she would never be allowed to leave his side and that she would have to get drunk with him.
- Mr. Lopez asked [REDACTED] to accompany him on a 5-day trip to Quebec, which was another trip with no work purpose. When [REDACTED] turned down this request, Mr. Lopez became enraged and, as punishment, began to take away some of [REDACTED] work-related duties.
- Mr. Lopez repeatedly told [REDACTED] that her lack of interest in him was because [REDACTED] was purportedly a lesbian. In response, [REDACTED] consistently replied that her sexual orientation was none of his business. Nevertheless, Mr. Lopez frequently told [REDACTED] that he wanted to set her up with various lesbian elected officials. Mr. Lopez added that he thought this would be “very hot.”
- On many occasions, Mr. Lopez asked [REDACTED] about her sexual history. When [REDACTED] again told him that the subject was none of his business, Mr. Lopez became angry and told [REDACTED] that she was too conservative and that she should “stop putting up walls.” Mr. Lopez added that [REDACTED] should be more like the “bra-burners of the 70’s.”
- Mr. Lopez has expressed dismay that [REDACTED] was not sexually promiscuous; he referred to her as “virginal.”
- Mr. Lopez repeatedly asked [REDACTED] to come to work without wearing a bra. At other times he suggested that Ms. Rivera should be topless. He has also complained to [REDACTED] that she pulled down her skirt when she sat down.
- Mr. Lopez has played with [REDACTED] hair and frequently stood inappropriately close to her.
- Mr. Lopez frequently told [REDACTED] that she did not dress sexily enough for his taste, and that she should learn how to “dress sexy” from a 14-year-old intern who works in Mr. Lopez’s Brooklyn office. To that end, Mr. Lopez attempted to arrange a shopping trip with [REDACTED] and this child, ostensibly so that the child could show [REDACTED] how to dress more to Mr. Lopez’s liking. When [REDACTED] relayed these and other circumstances to her mother, [REDACTED] mother

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became concerned about the welfare of [REDACTED] and the child-intern and reported this to the police, who visited Mr. Lopez's Brooklyn office.

III. Summary and Conclusion

As is evident from the above, Mr. Lopez's conduct toward [REDACTED] and [REDACTED] is in violation of the Assembly's Sexual Harassment Policy. It also is a violation of law, including Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, the New York State Human Rights Law, Executive Law § 296 *et seq.*, and the New York City Human Rights Law, New York City Administrative Code § 8-107 *et seq.*

The conduct at issue would be disturbing if committed by any private employer in the State. That the perpetrator is an elected official, entrusted by the people of this State with serving the public interest, is a disgrace. We ask that the Committee take whatever actions are necessary to remedy the harms done to [REDACTED] and [REDACTED] and to ensure that Mr. Lopez is no longer able to sexually harass any woman in the employ of the Assembly.

Very truly yours,



Kevin Mintzer