

Prepared.
Not handed
out.

Information submitted to the Assembly Standing Committee on Ethics and Guidance, pursuant to a subpoena issued on August 16, 2012:

1. On December 8, 2011, an employee in the district office of Assemblymember Vito Lopez (E1) contacted Yolande Page regarding unwelcome sexual advances by Mr. Lopez.¹ Subsequent conversations with Ms. Page took place the following week during which E1 indicated that she was going to file a complaint, but that she needed to speak with her attorney.² She also indicated that she did not want her life story in the press, stating that there was some personal history that made the situation all the more difficult for her and that she had explained this to Mr. Lopez when she had asked him to stop the behavior.
2. On December 14, 2011, E1 sent a brief email to Mr. Lopez, copied to Counsel's office, in which she stated that Mr. Lopez fired her after a series of escalating incidents in which she repeatedly denied his sexual advances.³ Counsel's office made numerous unsuccessful attempts to contact E1, by email, regular mail, and telephone from December 15th through December 28th.⁴
3. On December 28, 2011, a second employee in the district office of Assemblymember Lopez (E2) contacted Counsel's office, expressing concern that she might be fired by Mr. Lopez and attributing this concern to the situation involving E1. E2 stated that she was offended by Mr. Lopez's conduct, especially his behavior toward E1.
4. On January 3, 2012, in furtherance of her conversations with Counsel's office, E2 provided a written account of alleged misconduct by Mr. Lopez.⁵

¹ Ms. Page relayed the conversation as follows: E1 said that at Mr. Lopez's request she had been looking for an apartment for him in Albany and that he told her that he would only get the apartment if she moved in with him. She asked Ms. Page if she had to do it and was told no, of course not. She said that he wanted her to cuddle with him every night and that she had told him no and that she did not want to be intimate with him. E1 stated that whenever she rejected his advances, he would blow up and get upset. She stated that he told her to wear a button-down shirt and keep the top two buttons unopened. She said that he told her that he had feelings for her and when she told him that she didn't have feelings for him, he would say things like, "you need to turn the corner." She also said that he invited her to attend the Somos Conference, but only if they shared a room. She didn't want to share a room with him, so she didn't attend. Ms. Page stated that she encouraged E1 to contact Counsel's office and advised her that EAP was an available resource.

² During one of these subsequent conversations, E1 reported that she had recently told Mr. Lopez that he needed to stop sexually harassing her. She said he used foul language and said, "If you don't want to be here..." but then took her to a meeting.

³ This email is attached to the submission. The employee's name is redacted.

⁴ Counsel's office assured E1 on December 15th that she remained on the payroll. Both E1 and E2 remained on the Assembly payroll through June 6, 2012.

⁵ This account is attached to the submission. The employee's name is redacted.

orally responded to questions

5. On January 4, 2012, E1 contacted Counsel's office by email, stating that she was out of town and would follow up when she returned. She agreed to call at 2:00 on January 12th.

6. On January 12th, Counsel's office was contacted by an attorney representing both E1 and E2 who directed that there be no further discussion with her clients regarding the matter.⁶

7. On June 6, 2012, the Assembly and Assemblymember Lopez signed a settlement agreement with E1 and E2 with no finding or wrong-doing or any admission that any party acted improperly or unlawfully. A confidentiality agreement was included therein, which prohibited disclosure of the underlying circumstances of the dispute, the fact of the agreement, or any terms of the agreement, "except in response to a court order or in response to a valid subpoena..." The agreement also provided that Mr. Lopez and the employees agree that they "shall not communicate or publish, or cause to be communicated or published, any disparaging remarks, comments, or statements in any form concerning any aspect, circumstance or incident" involving E1 and E2's employment in the office of Assemblymember Lopez. The agreement further provided that violation of the above terms would subject the violator to a claim for liquidated damages of \$20,000 or actual or punitive damages, whichever is greater.

8. Additional terms of the agreement included:

- o The New York State Assembly paid a lump sum of \$103,000 (\$46,386 of which was to be paid to E1, \$15,462 to E2, and the remainder to their attorneys);
- o Assemblymember Lopez paid a lump sum of \$32,000 (\$14,400 to be paid to E1, & \$4,800 to E2, and the remainder to their attorneys); and
- o Mr. Lopez and his staff were required to receive supplementary instruction concerning the Assembly Sexual Harassment/Retaliation Policy, and identification and avoidance of sex discrimination and sexual harassment in the workplace, within 90 days of execution of the agreement. Such training has been scheduled for August 23rd.

Respectfully submitted,

Carolyn Kearns

Carolyn Kearns
Deputy Counsel to the Majority

⁶ E1 and E2 were represented by the law firms of Cuti Hecker Wang LLP and Alred Maroko & Goldberg

William Collins

From: [REDACTED]
Sent: Wednesday, December 14, 2011 1:02 PM
To: [REDACTED]
Cc: pagey@assembly.state.ny.us; collinsw@assembly.state.ny.us;
kearnsc@assembly.state.ny.us
Subject: termination

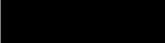
December 14th, 2011

Dear Assemblyman Vito Lopez:

As you are fully aware, you fired me on Sunday, after a series of escalating incidents in which I repeatedly denied your sexual advances and told you to stop making sexual and other inappropriate remarks to me and other staff or to retaliate against me, and after I reported your behavior last week to human resources. Although you told me that I should still report for work for a brief transition before leaving, you then continued to yell at me on Monday, within ear shot of all staff, stating that you were "not going to get caught up in this minutia type of thing" or "be bogged down in bullshit."

I no longer feel safe at work or in your presence. It is impossible for me to perform my actual job, and I need time to recover from the way I have been treated. You have forced me out, and I am no longer able to report to work. I ask that you continue to pay me while I recover. In any event, I currently have 5 personal days and 6 days of unused comp time, so regardless of your position, I should receive a paycheck through and including December 28, 2011.

I have left all work related materials and papers on my desk and my keys, and left instructions for staff to deal with outstanding matters. My Assembly I.D. will be placed in the mail as of later today.


Deputy Chief of Staff
Assemblymember Vito J. Lopez
434 S. 5th St.
Brooklyn, New York 11102

William F. Collins
Counsel to the Majority
New York State Assembly
Room 448M, State Capitol
Albany, New York 12248

January 4, 2012

Here is a brief written follow-up to our phone conversation. In sum, Assemblymember Lopez has repeatedly made unwanted, unwelcome sexually suggestive comments directed at me and several members of the staff, as well as generally treating the female members of the staff differently from the male staff members in ways that negatively impact how and whether the female members of staff are able to do their work. When a female employee does not accept his inappropriate behavior, he retaliates by telling them that they "have the wrong attitude" or "don't care about their job" and suggests or threatens that they might be better off working in another office. I have personally witnessed the following comments by Assemblymember Lopez:

- Frequent comments to me and other female about our appearances, all in the context of constantly encouraging us to be flirtatious and sexy in order to be good at our jobs:
 - telling me and others to wear high heels
 - telling me and others to wear skirts and earrings
 - telling a female employee that she "needed to do something about waxing her eyebrows"
 - repeatedly telling a story about a woman who was very successful at her job, and describing her as "flirtatious and always wearing a miniskirt"
- On several occasions, as a part of a discussion about how specific former female employees were successful at their jobs, describing them as having been flirtatious with males in the community
- Frequently joking, in my presence and the presence of others, that various male employees "are in love with" various female employees
- Frequently telling female employees to smile, a comment I have never heard directed at a male employee

- Telling the female employees that they cannot mention their boyfriends
- Requiring female employees to attend additional events (e.g., all of the "coalition" events planned by other staff members), although male employees are not held to the same standard. For instance, if a female employee does not attend, Assemblymember Lopez will inquire why she is not in attendance, and then the next time he sees her, he will chastise her for failing to attend. I have witnessed that pattern on several occasions, but never for a male employee.
- In staff meetings, repeatedly telling a story regarding a visit by the President of the Dominican Republic, in which the President allegedly remarked that he liked visiting Brooklyn because "the women all wear short skirts"

In addition, other employees have told me of various comments where Assemblymember Lopez has made explicit comments about their body as well as telling them to wear short skirts, high heels, specific items of jewelry, and to be flirtatious. For instance, one female employee mentioned that he once told her she "had small breasts" and therefore "should wear low cut shirts." Also, two female employees have mentioned that he has asked and/or pressured them (individually, and on separate occasions) to share a hotel room with him.

These comments and both the discriminatory and retaliatory behavior are humiliating for me, and make it extremely difficult and often impossible to perform the functions required of my position. In my opinion, the atmosphere created by Assemblyman Lopez's words and behavior is such that his impression of my performance is not merit-based, but rather on whether I adhere to what he considers is the acceptable role for a female's behavior—specifically, flirtatious, dressed in high heels and skirts, and always available socially.

This is just a summary of what I've experienced with some highlighted specific examples, it is not everything that occurred or that I have observed.

