

Carolyn Kearns

Notes re/ complaint received July 16, 2012

Shortly after 9 am, I received a phone call at home from Bill Collins, who advised me that an employee had called regarding an allegation of sexual harassment by Assemblyman Vito Lopez. He indicated that she was upset and that he advised her to go somewhere where she could talk. It was arranged that she would call back at 10:00 and speak to me, since Bill had a hearing he needed to attend.

At about 10:30, [REDACTED] a legislative aide in the office of Assemblyman Vito Lopez, called and spoke with me. She was calm and articulate. She stated that she wanted to quit her job with Lopez and file a complaint of sexual harassment. She indicated that she had a copy of the Assembly's sexual harassment policy from the employee handbook.

I asked how long she had worked for him and she said that she started working for him in April. She stated that she was sure he was suspicious that something was going on because she always volunteered re/ his political activities and she didn't go this weekend. She also said that he wants her to call him 15 times a day, that she hadn't called him today and that she felt she needed to "do something." She said she needed to quit or he would fire her today.

I asked if she had another job lined up and she said no, but that she could work for her mother. She stated that she had been very happy when she was hired to work for the Assembly. She stated that she had been in contact with attorneys and that her parents are pushing her to sue.

She indicated that she was very concerned about a 14 year old intern, [REDACTED] (sp?) who worked in the district office. [REDACTED] stated that Lopez made a number of comments regarding the intern that troubled her; specifically, Lopez told [REDACTED] many times that she should dress more like the intern, who wears short skirts. She said that Lopez tried to give her \$100 to go shopping, if the intern went with her to help her shop. She stated that Lopez told the intern he wanted her to take [REDACTED] shopping and that while [REDACTED] never had any intention of going, conversations regarding this proposed shopping trip took place. [REDACTED] stated that the intern's mother is a judge and that her aunt, [REDACTED] is an ex-girlfriend and close friend of Lopez. [REDACTED] stated that she couldn't go to Anclin because Anclin always emphasizes how important loyalty to Vito is and that they should all be grateful to work for him. She stated that the intern doesn't know that Lopez says this stuff.

I looked at Lopez's payroll while I spoke to her and told her that the intern wasn't on the payroll. [REDACTED] stated that she understood the intern was getting paid and assumed she was on the payroll.¹ She stated that the intern works 5 days a week, all day.

¹ Later that day, Lopez's chief of staff, Jonathan Harkavy, brought down paperwork to Human Resources to put [REDACTED] on the payroll, noting that they didn't have her working papers yet.

█████ stated that everyone in the office is young. She said that another employee told her that when Lopez was looking for new employees, he told his staff only to print out women who graduated after 2009. She doesn't know if that's true, but believes it.

I asked █████ if she could give me any specific examples of his conduct toward her and she offered the following:

- He asked her to wear short skirts and high heels;
- He told her he liked her hair on one side;
- He said that everything she did was intended to drive men crazy;
- He told her that she had beautiful eyes;
- He tried repeatedly to hold her hand, even though she pulled back and told him that it made her uncomfortable;
- He implied that she could become Chief of Staff, telling her that █████ got a pay cut and trying to create some kind of competition between her and █████ with the message that she should be nice to him;
- He urged her to break up with her boyfriend (she stated that she didn't talk about him other than to say she had one);
- Though he never complained about her work, he complained about her clothing, telling her that she should go braless or topless. She said she told him to stop saying that and he told her that she was conservative and that women burned their bras in the 1970's and she was putting herself in a box;
- When he complained about her clothing, she told him she dressed for herself and he replied that she must be a lesbian and made several comments to that effect; in front of █████ he told her she should pretend to be a lesbian to help a judicial candidate; he called Jonathan at 11 one night and asked him to schedule a dinner between her and Councilmember █████ and told █████ that at least she would dress up for █████ he made a similar comment after a meeting they had with a Member of the Assembly, asking █████, "Why do you only like lesbians?"

█████ also stated that she felt he was setting her up. He asked her to write him a letter telling him how much he enjoyed working for him. She said he got mad when she didn't do it, so she took one of the thank you cards she had in her desk and wrote on it, "You are forcing me to write this. I love my work." He also asked her to leave him notes, so she would leave notes saying, "Hi" and "Good Morning" which he did not find satisfactory.

She also stated that when she spurned his advances, he gave her raises in her salary. She got a \$5,000 raise and a \$3,000 raise. (She mentioned something about another \$3,000 raise, and said she told him to give it to █████ since she made so little money.)

█████ stated that she was aware of lawsuits brought by other employees and that █████ told the staff that they were ungrateful people. She said that █████ spoke negatively about those employees, so █████ felt she could not talk to her about anything negative about the member. Even so, █████ noted that █████ herself was upset one day when Lopez was mad at █████ for wearing pants.

█████ said that when she first started her thought was that Lopez was an old man and that since she loved the work she would put up with a few off-color and non-PC statements. She said that in the last month it has gotten worse, especially the last 2 or 3 weeks. I asked her if the conduct stopped tomorrow whether she could continue to work for him and she said no. She stated that it had gone too far, that she gets stomachaches and that she thinks he is disgusting. She said she liked the work though and would like to continue a career in government. She said she'd like to work for the Assembly, but can't go to Albany because she can't drive.

█████ stated that she is getting a lot of calls and messages about where and how she is from Lopez and the staff, but she hasn't answered them. When she left the office, she texted (to ██████ I believe) that she had a family emergency. I told her that was sufficient for now.

During the conversation, I told ██████ that the Assembly has an obligation to provide our employees with a workplace free from sexual harassment and that we take allegations regarding sexual harassment very seriously. I told her that we were required to take action in response to a complaint and that it would be helpful if she would write down, while it was fresh in her mind, the events she described and any other details she could recall. I asked her to maintain any emails, text messages or notes she might have. She seemed to think she had to do something since she wasn't returning to the office. I advised her that she told them she had a family emergency and that that was sufficient for now. I told her that Human Resources would not process any paperwork terminating her employment with the Assembly. She was concerned about them not giving her her check and I indicated that we could take care of that.

I told her that I would be call her back to follow up and that she could call me if she there was anything else. Call ended at 11:15.

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At noon, Bill Collins spoke with Jennifer Harris at Human Resources and advised her not to process any paperwork taking any employee off Assemblyman Lopez's payroll. He instructed her to call him regarding any PARs that came in regarding that office.

At about 12:15, ██████ called again. She was at her mother's home and indicated that her mother was extremely concerned about the 14-year old intern. She asked whether we would contact the intern's mother to advise her to get her daughter out of that office. We advised her that we didn't feel we could do so. Afterward, ██████ told us that her mother had decided to call the police.

At 2:45, I contacted ██████ by phone and advised her that I was forwarding her complaint to the Standing Committee on Ethics and Guidance and that she should expect to hear from the committee soon. I told her that she remained on the payroll and that the member would be advised that a complaint was filed. She didn't respond or express any concern regarding the complaint, but did inform me that her mother had contacted the 90th precinct. She said that the police went to the district office and that they had the intern call her mother. She indicated that the special victims unit was involved because she was a minor and the police

were concerned because it was alleged that Lopez said the intern was sexy. I asked her to clarify since the statement I had from [REDACTED] earlier in the day was that Lopez told [REDACTED] to dress like the intern and I wasn't aware of an allegation that Lopez described the intern as sexy. [REDACTED] told me that what Lopez actually said was that, "she dresses sexy."

At 4:00, I sent [REDACTED] an email advising her that her complaint was being forwarded to the Standing Committee on Ethics and Guidance.

At 4:45, [REDACTED] called to say that she was receiving a lot of work emails and calls and that she was going to forward them to the Albany Chief of Staff. I said that was fine.

At 5:15, I met with Assemblyman O'Donnell, who stated that a letter needed to go out quickly advising the members of the Standing Committee on Ethics and Guidance that he would be in contact with them to schedule a meeting of the committee in regard to this complaint.

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At 10:15, [REDACTED] called to say that she was having trouble getting in contact with her attorney, but she wanted me to know that there is another employee in the Lopez's office who wants to leave and who had a worse situation than she did. She said that the other employee would probably call me. I said that I could stay in the office after 5:00 to take the call.¹

At 10:30, Bill spoke with Suzanne Gold in Human Resources to arrange for [REDACTED] check to be mailed to her home address instead of being sent to Lopez's office.

At 4:00 pm, letters from Assemblymember O'Donnell were sent to the members of the Standing Committee on Ethics and Guidance indicating that they would be contacted to schedule a meeting of the committee regarding a sexual harassment complaint. Phone calls advising the members of the committee were also made.

At 4:50 pm, I received a phone call from [REDACTED] a legislative assistant in the office of Assemblymember Vito Lopez. She asked if she could call me in a half an hour. I agreed. [REDACTED] called back as scheduled and stated that she started working for the Member three months ago on April 16th. She was in Albany, but moved to Brooklyn to work in the district office.

She said that she was scared of the Member because of how upset he gets when she doesn't get along with him. She alleged the following:

- An incident when they were at the Democratic Club together the weekend before the primary. She said he wrote a note to her asking for him to take a trip with her. She said no and he ripped up the note. Afterward he didn't talk to her for two days. She said that when he is upset, he is very upset and he yells. She was told that he went to a dinner afterward and yelled at people. She said he is very erratic. She said when he finally spoke to her again, she asked what she did. He said she didn't do anything, but that he didn't like for her to be too sympathetic to another girl in the office and that he should be the only person in the office.
- He would write notes or ask, "Does that turn you on?" It could be a person or a topic.
- When they were in Albany and working on a big housing bill, he asked her if she would give him a kiss if they were successful. She said, she would kiss him on the cheek. He said, "No, on the mouth." When she said no, he said that [REDACTED] would have.

¹ Ms. [REDACTED] also stated that the other employee had been given \$1200 by the Member and wanted to give it back. She said that the Member made the other employee go to Atlantic City with him (my impression was that he or they won the money there) but wasn't comfortable keeping the money, so she was going to put it the money in an envelope and leave it in the Member's desk drawer.

- He told her that he could set it up that she could sleep over at the Governor's mansion and asked if she wanted to go. She said she'd like to go on a tour of the mansion, but he said, no, that it would be staying overnight and she had to be naked. (I had to ask her three times to repeat the end of sentence because her voice dropped each time she stated that she would have to be naked.)
- He said something that was vaguely worded, but clear to her. Something to the effect that he had "a way to get this done" but "somebody" wouldn't do it, and looked at her. She understood that to mean that he could have prostituted her out to get it done.
- She is 6 feet tall, and he'd tell her she shouldn't pull her skirts down; that he wouldn't talk to her if she kept pulling her skirt down.
- She can't call, text or talk to other men; when she talked to another Member for 3 minutes (in Brooklyn) he got mad and when he spoke to a former boss for 90 seconds (in Albany), he gave her grief.
- He wrote on her legal pad, as if she was writing it: "Dear Vito, I just want to be next to you. I hope you like what I am wearing." She has it.
- He is obsessed with what she wears, telling her that he wanted her to dress sexy. If it was important meeting, she shouldn't wear a bra because that would be exciting to him. She should wear heels and button-down shirts.

She said that she didn't know what to do, but that she is afraid of him. She said that he is extremely paranoid and upset right now and that she thinks he might anticipate her talking about this. She stated that he kept her very close to him today, gave her more responsibilities and that they would all be getting raises with █████ not coming in. (Not sure of her exact wording re/█████)

She stated that the work excited her and that working late was never an issue for her. She said, however, that even after she worked until 2 am, Vito would complain the next day that she wasn't loyal enough and was not a good worker because she failed to check to make sure he got home ok. She said he was obsessed with her being always there for him and told her that she should think that he walks on water. She stated that if she didn't do what he wanted, there would be a huge fight and that she cried countless times in the office. She said he punished her for not dressing as he wanted and it wore on her.

I asked if he did this to other people and she said that she knew he did it to █████ and that he said things about █████ She said he tried to set up a big competition between them. He told her that █████ knew how to play with her hair and that when █████ wore a button-down shirt, he would look at █████ and then look at █████, as if to say, that was what he wanted █████ to do. She felt like he wanted the two of them to vie for his attention and that he wanted them to compete, but they told each other that they wouldn't. She said that they both did well in the office and both got raises; they were going to get an additional raise, but both

told him he didn't need to and that he should give to another employee who made less money.

I asked if she had a copy of the policy. She said she didn't have it. I told her I would email it to her. She said that she worked for a lobbying firm before working for the Member (union/political action). She said she needed a paycheck; that she just moved to Brooklyn and had a one year lease. She began to cry and said that she felt partially to blame and that she should have stood up for herself more. She said that she had a former boss and that after she was no longer an employee he made a move and she rebuffed it. She said that the Member knows about it or thinks he does and that he told [REDACTED] and another employee that she slept around a lot in Albany. She stated that it wasn't true, but he would keep bringing it up. She said she didn't know what was going to happen next and she was afraid.

I told her that the Assembly has an obligation to provide our employees with a workplace free from sexual harassment. I said that what she told me constituted a sexual harassment complaint and that I was obliged to take action in response to that. She indicated that she understood that. I explained that the complaint would be forwarded to the Standing Committee on Ethics and Guidance. She asked if it had to go there and I told her that it did and she asked what would happen to her. I explained that she couldn't be retaliated against and asked her if she wanted to go to work tomorrow and she said she wasn't sure. She said that the senior picnic was on Thursday and said she had some guilt about not going to work. She stated that she had felt that the job was such a good opportunity, which was why she didn't stand up for herself and she supposed that was what kept people quiet. She repeated that she is afraid of him and very nervous. She said she wasn't sure what to do, but thought that she would probably call in sick tomorrow. I advised her to write down the incidents she could recall with as much detail as possible.

I told her that I would be available to talk to her more tomorrow and got her contact information. The conversation ended at 6:00 p.m.

I called her (and emailed her) shortly after our conversation. She called back and I reminded her that tomorrow is a pay day, in case she needed to pick up her paycheck in the office. Later in the evening, I emailed her a copy of the Sexual Harassment Policy.

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Note July 18, 2012

At 10:45 or so, I returned message from [REDACTED]. She said that she didn't feel she couldn't go into the office, even though her check was there. She's concerned, however, that she'll be fired for not coming into work today, since there is a huge event tomorrow. She said that she is afraid of retaliation and stated that both the Member and [REDACTED] were calling [REDACTED] a bitch yesterday. Also, she ([REDACTED]) is being blamed now for not arranging a bus in relation to the senior event. She stated that she was told they were bringing a bus and it was taken care of and that a colleague (she gave a male name) knows this, but is apparently saying he knows nothing about it. I advised that she can't be retaliated against for filing a complaint and that we are not going to process any paperwork removing her from the payroll. I told her that I'd get back to her with more detail.

At 4:30 or so, [REDACTED] called. She wanted to let me know that the 14 year old intern was still in the office. Also concerned about [REDACTED], who had waited on the Member at a restaurant called Maggie's and whom employees were aware was hired because he found her attractive. [REDACTED] said that other employees thought she was clueless about it. I asked how old [REDACTED] was, and [REDACTED] said she was 27. [REDACTED] then said that the Member had told her about a lawsuit against him by other employees and asked me if I could give her details about it. I wasn't able to comment at all, but did respond to her subsequent questions regarding the ethics committee, including its make-up and process.

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