



**Division of
Human Rights**

KATHY HOCHUL
Governor

DENISE M. MIRANDA, ESQ.
Commissioner

September 10, 2025

Re: Eleanora Smith v. Patterson Fire Department No 1, Inc., Mario Gabrielli, Randall
Mulkins, Joe Nickischer, John Baretto, Bret Politi, John Covell, Robert Bell, Jr.
Case No. 10212447

To the Parties Listed Below:

Enclosed please find a copy of my proposed Recommended Findings of Fact, Opinion and Decision, and Order. Please be advised that you have twenty-one (21) days from the date of this letter to file Objections.

Your Objections may be in letter form, should not reargue material in the Record, and should be as concise as possible. Objections provide the parties with an opportunity to be heard on the issues in the case before the issuance of a final Order of the Commissioner. *See Rules of Practice of the Division of Human Rights, 9 NYCRR § 465.17(c).*

Please address your Objections to Peter G. Buchenholz, Adjudication Counsel, at the address below. Mail copies to all parties and their attorneys, including all of the following where applicable: complainant(s), complainant counsel, respondent(s), respondent counsel, and Division counsel, at the addresses in the list below. A copy must also be mailed to Jacqueline Spratt, Associate Deputy Commissioner, Prosecutions Unit, Division of Human Rights, who is also listed below. Any documents not copied to the aforementioned individuals may not be considered. The Objections must be filed by October 1, 2025, at the following address.

NYS Division of Human Rights
Order Preparation Unit
Attn: Peter G. Buchenholz, Adjudication Counsel
One Fordham Plaza, 4th Floor
Bronx, NY 10458

No extensions of time to file Objections will be granted, except for good cause shown, by written request to the Order Preparation Unit. If the Objections are not received by the Order Preparation Unit by the deadline noted above, the Division will assume that you do not object to the proposed Order and will proceed to issue the final Order under that assumption.

Please contact Peter G. Buchenholz, Adjudication Counsel, at (718) 741-8398 if you have any questions regarding the filing of Objections.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rebecca A. Clancy", with a long horizontal flourish extending to the right.

Rebecca A. Clancy
Administrative Law Judge

TO:

Complainant

Eleanora Smith
144 Hurds Corners Road
Pawling, NY 12564

Complainant Attorney

Thomas M. Gambino, Esq.
Law Office of Gambino & Demers, LLC
222 Church Street
Poughkeepsie, NY 12601

Respondent

Patterson Fire Department No 1, Inc.
Attn: President/Board of Directors
13 Burdick Road
Patterson, NY 12563

Respondent

Mario Gabrielli
Patterson Fire Department No 1, Inc.
13 Burdick Road
Patterson, NY 12563

Respondent

Randall Mulkins
Patterson Fire Department No 1, Inc.
13 Burdick Road
Patterson, NY 12563

Respondent

Joe Nickischer
Patterson Fire Department No 1, Inc.
13 Burdick Road
Patterson, NY 12563

Respondent

John Baretto
Patterson Fire Department No 1, Inc.
13 Burdick Road
Patterson, NY 12563

Respondent

Bret Politi
Patterson Fire Department No 1, Inc.
13 Burdick Road
Patterson, NY 12563

Respondent

John Covell
Patterson Fire Department No 1, Inc.
13 Burdick Road
Patterson, NY 12563

Respondent

Robert Bell, Jr.
Patterson Fire Department No 1, Inc.
13 Burdick Road
Patterson, NY 12563

Respondent Attorney
Bradley M. Pinsky, Esq.
4311 East Genesee Street
Syracuse, NY 13214

State Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, NY 10458

Jacqueline Spratt, Associate Deputy Commissioner, Prosecutions Unit
Licet Gaveau, Chief Administrative Law Judge
Michael Swirsky, Litigation and Appeals
Melissa Franco, General Counsel
Erin Sobkowski, Senior Attorney, Legal Advisory
Peter G. Buchenholz, Adjudication Counsel



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Español Spanish	Este es un documento importante. Si necesita ayuda para entenderlo, por favor llame al (718) 741-8255. Se le proveerá un intérprete gratis.
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Italiano Italian	Il presente documento è importante. Per qualsiasi chiarimento può chiamare il numero (718) 741-8255. Un interprete sarà disponibile gratuitamente.
한국어 Korean	이것은 중요한 서류입니다. 도움이 필요하시면, 연락해 주십시오: (718) 741-8255. 무료 통역이 제공됩니다.
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**Division of
Human Rights**

**NEW YORK STATE
DIVISION OF HUMAN RIGHTS**

**NEW YORK STATE DIVISION OF
HUMAN RIGHTS**

on the Complaint of

ELEANORA SMITH,

Complainant,

v.

**PATTERSON FIRE DEPARTMENT NO 1,
INC., MARIO GABRIELLI, RANDALL
MULKINS, JOE NICKISCHER, JOHN
BARETTO, BRET POLITI, JOHN COVELL,
ROBERT BELL, JR.,**

Respondents.

**RECOMMENDED FINDINGS OF
FACT, OPINION AND DECISION,
AND ORDER**

Case No. **10212447**

Federal Charge No. 16GC102129

SUMMARY

Complainant alleged that Respondents subjected her to unlawful discrimination because of her sex and retaliated against her after she assisted another female who complained about unlawful discrimination. Complainant did not sustain her burden of proof, and the complaint is dismissed.

PROCEEDINGS IN THE CASE

On May 14, 2021, Complainant filed a complaint with the New York State Division of Human Rights ("Division"), charging Respondents with unlawful discriminatory practices relating to volunteer firefighters in violation of N.Y. Exec. Law, art. 15 ("Human Rights Law").

After investigation, the Division found that it had jurisdiction over the complaint and that probable cause existed to believe that Respondents had engaged in unlawful discriminatory practices. The Division thereupon referred the case to public hearing.

After due notice, the case came on for hearing before Rebecca A. Clancy, an Administrative Law Judge ("ALJ") of the Division. Public hearing sessions were held virtually on May 29, 2024, May 30, 2024, July 26, 2024, August 2, 2024, and November 15, 2024.

Complainant and Respondents appeared at the hearing. Complainant was represented by Thomas M. Gambino, Esq., of the Law Offices of Gambino & Demers, LLC. Respondents were represented by Bradley M. Pinsky, Esq., of the Pinsky Law Group, PLLC.

Permission to file post-hearing briefs was granted. The parties timely filed post-hearing briefs which were considered and, where appropriate, adopted.

Complainant made an application for attorney's fees, which is received into evidence as ALJ's Exhibit 5.

FINDINGS OF FACT

1. Complainant is female. (Tr. 14, 463)
2. In 1991, Complainant joined Respondent Patterson Fire Department No. 1, Inc. (the "Department") as a volunteer firefighter. (Tr. 14; ALJ's Exhibit 1)

3. In 2011, Complainant had completed 20 years of service and became a "life member," which meant that Complainant was no longer required to respond to fire calls to remain in good standing. (Tr. 16-17, 618)

4. From 2011 to 2018, Complainant was president of Respondent Department's board of directors. (Tr. 185-86; Respondents' Exhibit 8)

5. In 2019, Complainant was an active member of Respondent Department and served on several committees, including the bylaws committee, sunshine committee, membership committee, and funeral committee. (Tr. 20-21)

6. On January 21, 2019, Complainant and Monica DeFeo, who is female and was the recording secretary of Respondent Department's board of directors, were speaking with an attorney on the telephone regarding amendments to Respondent Department's bylaws. (Tr. 21, 142-43, 304; Complainant's Exhibit 1, 8, 9)

7. During the meeting, Vincent Montouro, who is male and was the captain of Respondent Department, entered the auxiliary room and loudly demanded that DeFeo provide him with Respondent Department's financial control policy while pointing his finger at DeFeo. (Tr. 21-22, 138, 304, 362; Complainant's Exhibits 1, 9, 10)

8. On January 22, 2019, Matthew Szpindor, who is male and was chief of Respondent Department, suspended Montouro for one week for his conduct on January 21, 2019. (Tr. 342-43, 362; Complainant's Exhibit 10)

9. On March 17, 2019, Montouro spoke to DeFeo in a manner she found intimidating and slammed doors while they were working together at Respondent Department. (Tr. 35; Complainant's Exhibit 1)

10. DeFeo submitted two written grievances to Respondent Department regarding her interactions with Montouro on January 21, 2019, and March 17, 2019 (the "DeFeo grievances"), alleging that his conduct was "aggressive," "harassing," and "unprofessional." (Tr. 22; Complainant's Exhibits 1, 9)

11. The DeFeo grievances did not allege that Montouro had engaged in aggressive or harassing conduct toward her because of her sex. (Tr. 35; Complainant's Exhibit 9)

12. Respondent Department engaged attorney Steven C. Kasarda to investigate the DeFeo grievances and generate a report with disciplinary recommendations. (Tr. 23; Complainant's Exhibit 1)

13. Kasarda interviewed several individuals, including Complainant, about the circumstances resulting in DeFeo's grievances. (Tr. 22-23; Complainant's Exhibit 1)

14. Complainant told Kasarda that Montouro had acted in an aggressive manner toward her and DeFeo and that it scared her. (Tr. 25)

15. Respondent Department's bylaws provide that members who have grievances pending against them are ineligible for election to an officer position on its board of directors. (Tr. 194; Respondents' Exhibit 2)

16. While the DeFeo grievances were pending against Montouro, he was not permitted to run for an elected position on Respondent Department's board of directors. (Tr. 194)

17. In April 2019, Complainant sent Respondent Joe Nickischer, then-chief of Respondent Department, text messages stating that she was "disgusted" with the way Respondent Department was being managed, that she had "absolutely NO faith" in his leadership, and demanded that she be removed from Respondent Department's list of ambulance drivers and her gear be given to another member. (Tr. 501-03, 592, 595; Respondents' Exhibit 3)

18. Respondents removed Complainant from the ambulance driver list, but left Complainant's gear in her cubby and did not bar her from receiving and responding to ambulance calls. (Tr. 596)

19. Complainant and other members of Respondent Department were permitted to respond to ambulance calls even if they are not on the ambulance list. (Tr. 507, 596)

20. Respondent Department's bylaws give the president of its board of directors the authority to name members to committees. (Tr. 122-23)

21. In or around July 2019, Respondent Mario Gabrielli, then-president of Respondent Department, did not assign Complainant to Respondent Department's centennial committee after she refused to work with certain committee members. (Tr. 130, 133-34; Respondents' Exhibit 3)

22. Respondent Gabrielli named Debby Goldsmith, who is female, to serve as chair of the centennial committee. (Tr. 282-83; Respondent's Exhibit 3)

23. In August 2019, Respondent Nickischer denied Complainant's request to restore her name on Respondent Department's ambulance driver list because she had abruptly quit months before, which created scheduling issues for other members of Respondent Department. (Tr. 101, 103, 454, 501, 597-982, 617-18, 621; Respondents' Exhibit 3)

24. On October 9, 2019, Kasarda issued a written report following the conclusion of his investigation of the DeFeo grievances. (Tr. 23; Complainant's Exhibit 1)

25. In his October 9, 2019, report, Kasarda he concluded that Montouro's conduct had created a hostile working environment and recommended that Respondent Department counsel Montouro. (Tr. 28-29; Complainant's Exhibit 1)

26. Thereafter, Respondent Department placed Montouro on probation for six months and required him to take anger management training. (Tr. 160; Complainant's Exhibit 12)

27. On October 20, 2019, Complainant filed a grievance against Respondent Gabrielli alleging that he had denied her request to join certain committees, including the centennial celebration committee, and Respondent Nickischer, alleging that he refused to return her to the ambulance driver list in retaliation for her role in the investigation of the DeFeo grievances. (Tr. 101, 173, 269; Respondents' Exhibit 3)

28. At the time of Complainant's October 20, 2019, grievance, Complainant was the chair of Respondent Department's bylaws committee. (Tr. 126, 496; Respondents' Exhibit 3)

29. In 2019, Respondent Department had nine female members assigned to several committees, including the centennial, kitchen, membership, nominating, parades, quarter master, recreation room, and weight room committees. (Tr. 130-33, 277-80; Respondents' Exhibit 3)

30. After its investigation into Complainant's October 20, 2019, grievance against Respondent Nickischer and Gabrielli, the grievance committee dismissed it as "unfounded and frivolous." (Tr. 125; Respondents' Exhibit 3)

31. On October 22, 2019, Montouro filed four grievances with Respondent Department against Complainant, DeFeo, Complainant's husband, Paul Smith, who was a member of Respondent Department, and Szpindor. (Tr. 31, 36, 52, 583, 585; ALJ's Exhibit 1; Complainant's Exhibit 12)

32. On May 20, 2020, Kasarda dismissed Montouro's October 22, 2019, grievances as untimely and because the claims were retaliatory, and recommended that Montouro be suspended for two months, followed by a two-month probation period. (Tr. 37; Complainant's Exhibit 12)

33. On June 8, 2020, Montouro and Szpindor had an argument and they both filed grievances as a result (the "June 8, 2020, grievances"). (Tr. 57; Complainant's Exhibit 4)

34. Respondent Department engaged Kasarda to investigate the June 8, 2020, grievances and issue a written report with his findings. (Tr. 58; Complainant's Exhibit 4)

35. On July 15, 2020, Complainant and Smith sent Kasarda a letter regarding his investigation of the June 8, 2020, grievances and stated, among other things, that Montouro was engaging in a pattern of "aggressive, harassing, and retaliatory behavior" toward members of Respondent Department and demanded that Montouro be removed from membership with Respondent Department. Complainant and Smith further indicated that the federal Equal Employment Opportunity Commission ("EEOC") was being copied on the letter. (Tr. 53-55; Respondents' Exhibit 13)

36. On July 24, 2020, Respondent Randall Mulkins, president of Respondent Department, filed a grievance against Complainant and Smith alleging that they lacked personal knowledge of the underlying events of the June 8, 2020, grievances and had improperly interfered in Kasarda's investigation (the "Mulkins grievance"). (Tr. 54-55, 155, 212, 313; Respondent's Exhibit 5)

37. On July 28, 2020, Kasarda issued a written report on the June 8, 2020, grievances. Among his findings, Kasarda stated that Complainant and Smith had sent him a letter advocating for Montouro's removal from Respondent Department without acknowledging Szpindor's inappropriate behavior, which included threats of violence toward another firefighter. (Tr. 57-58; Complainant's Exhibit 4)

38. In his July 28, 2020, report, Kasarda further stated that he had received a phone call from firefighter Tommy Gamache during his investigation of the June 8, 2020, grievances, in which Gamache explained that, although he did not have any personal knowledge of the underlying incident, Complainant had asked him to call Kasarda to advocate for Szpindor. (Tr. 316-18; ALJ's Exhibit 1; Complainant's Exhibit 4)

39. In this July 28, 2020, report, Kasarda recommended that Montouro and Szpindor's membership with Respondent Department be terminated. (Tr. 362-63; Complainant's Exhibit 4)

40. Shortly thereafter, Respondent Department terminated Montouro and Szpindor's membership. (Tr. 301, 362; Complainant's Exhibit 11)

41. On November 16, 2020, Szpindor filed a petition with Putnam County Supreme Court seeking to annul Respondent Department's termination of his membership. (Tr. 302-03; Complainant's Exhibit 11)

42. Putnam County Supreme Court found that Respondent Department's termination of Szpindor's membership did not comport with its bylaws and granted that part of Szpindor's petition seeking to annul the decision to terminate his membership. (Tr. 302; Complainant's Exhibit 11)

43. Following the judgment of Putnam County Supreme Court, Respondent Department reinstated Szpindor and Montouro. (Tr. 302-03)

44. On or about October 1, 2020, Complainant ran for treasurer of Respondent Department and won the election, but she was ineligible to accept the position because there was a pending grievance against her. (Tr. 60-61, 194, 321, 552-53; ALJ's Exhibit 1; Respondents' Exhibit 2)

45. On May 3, 2021, Respondent Department's grievance committee held a two-hour special meeting to consider the Mulkins grievance. (Tr. 64, 67-68, 160-61; Complainant's Exhibit 5)

46. The grievance committee sustained the Mulkins grievance and recommended that Complainant take an anger management class and that, in the event Complainant was the subject of another grievance within a six-month period, she would be placed on probation for six months. (Tr. 159-60, 176-77, 291-92; Respondents' Exhibit 15)

47. Thereafter, on May 3, 2021, the recommendation of the grievance committee was presented to the general membership of Respondent Department for approval. (Tr. 176-77; Complainant's Exhibit 5)

48. After Complainant announced during the meeting that she refused to take an anger management training class, the motion to adopt the grievance committee's recommendation failed. (Tr. 176-77, 179; Complainant's Exhibit 5)

49. Respondent Bret Politi made a motion to terminate Complainant's membership, and the motion was seconded by Respondent Robert Bell, Jr. (Tr. 68, 293; Complainant's Exhibit 5)

50. The motion to terminate Complainant's membership with Respondent Department passed. (Tr. 66, 69, 294; Complainant's Exhibit 5)

51. After Respondents terminated Complainant's membership, Respondent John Covell, who was a firefighter with Respondent Department, made a motion to ban Complainant from entering the premises of Respondent Department. (Tr. 80, 338, 457; Complainant's Exhibit 5)

52. Respondent Bell, Jr. seconded Respondent Covell's motion. (Tr. 460)

53. In 2021, following the termination of Complainant's membership, Respondent Department released a publication entitled "Centennial Book & History of the Department" (the "centennial book") (Tr. 183; Complainant's Exhibit 2)

54. The centennial book did not list Complainant as a life member and her faced was redacted in a group photo with an explanation in the caption stating "[f]ace removed of person who asked not to be identified." (Tr. 48-50; Complainant's Exhibit 2)

55. Complainant's face was redacted after said she stated that she did not want the group photo included in the centennial book. (Tr. 50)

56. The centennial book included several photographs of Complainant, including a photograph recognizing Complainant as former president of Respondent Department's board of directors. (Tr. 51, 185, 406-08; Respondents' Exhibit 8)

57. The centennial book did not include Complainant's name in the list of life members because her membership had been terminated before the book was published. (Tr. 240)

58. On August 23, 2021, Complainant filed a petition in Putnam County Supreme Court to annul Respondent Department's termination of her membership on the grounds that it was done in manner that violated Respondent Department's bylaws and denied her procedural due process. (Tr. 452; Respondents' Exhibit 6)

59. While Complainant referenced her involvement in the DeFeo grievances as background information, the substantive claims in her petition focused on the purported impropriety of Respondents' termination of her membership following the submission of the Mulkins grievance. (Tr. 452; Respondents' Exhibit 6)

60. On September 15, 2022, Putnam County Supreme Court denied Complainant's petition, and Complainant's appeal of the judgment was dismissed by the Appellate Division, Second Judicial Department on August 21, 2024. (Tr. 452; Respondents' Exhibits 6, 16)

OPINION AND DECISION

N.Y. Exec. Law, art. 15 ("Human Rights Law") § 297.5 provides that "[a]ny complaint filed pursuant to this section must be so filed within one year after the alleged unlawful discriminatory practice."¹ This provision acts as a mandatory statute of limitations in these

¹ Human Rights Law § 297.5 was amended to provide a three-year statute of limitations period for sexual harassment employment claims which accrued on or after August 12, 2020. Human Rights Law § 297.5 was again amended to provide a three-year statute of limitations period for all claims under the Human

proceedings. *Murphy v. Kirkland*, 88 A.D.3d 267, 273, 928 N.Y.S.2d 333, 337 (2d Dept. 2011). Complainant filed this complaint on May 14, 2021. During the COVID-19 pandemic, executive orders tolled the statutes of limitation from March 20, 2020, to November 4, 2020. *See* 9 N.Y.C.R.R. §§ 8.202.8, 8.202.72. Therefore, unless Complainant establishes that the continuing violation doctrine applies, claims arising out of events which occurred before November 22, 2019, are time-barred.

A continuing violation may be found if Complainant can establish an ongoing practice or policy of discrimination by the existence of specific acts that Respondents allowed to continue without remedy. *Clark v. State of New York*, 302 A.D.2d 942, 944, 754 N.Y.S.2d 814, 817 (4th Dept. 2003). Complainant alleged that she subjected to unlawful discrimination based on her sex when Respondent Gabrielli removed her from some committee assignments, including the centennial committee, in July 2019, and when Respondent Nickischer did not restore her name to Respondent Department's list of ambulance drivers in August 2019. Such isolated events, however, do not constitute continuing violations and are outside the statute of limitations period.

Complainant alleged that Respondents subjected her to unlawful retaliation. At public hearing, Respondents claimed that doctrines of collateral estoppel and res judicata require the Division to dismiss Complainant's retaliation claim.

Under the doctrines of collateral estoppel and res judicata, "once a claim is brought to a final conclusion, all other claims arising out of the same transaction or series of transactions are barred, even if based upon different theories or if seeking a different remedy." *O'Brien v. City of Syracuse*, 54 N.Y.2d 353, 357, 492 N.Y.S.2d 687 (1981). In her petition, Complainant alleged

Rights Law accruing on or after February 15, 2024. Because the sexual harassment allegations raised in this case accrued prior to August 12, 2020, the one-year statute of limitations applies.

that Respondents violated its bylaws and denied her due process during the May 3, 2021, meetings relative to the Mulkins grievance, thereby requiring an annulment of the decision to terminate her membership. Although Complainant referenced her involvement in the investigation of the DeFeo grievances as background, such claims were not fully litigated before the court. Therefore, the Division is not precluded from determining Complainant's retaliation claim.

Human Rights Law § 296.7 makes it an "unlawful discriminatory practice for any person engaged in any activity to which this section applies to retaliate against any person" who has opposed unlawful discrimination. To make out a prima facie case of retaliation, Complainant must show that (1) she engaged in activity protected by the Human Rights Law, (2) Respondents were aware that Complainant participated in the protected activity, (3) she suffered an adverse employment action, and (4) there is a causal connection between the protected activity and the adverse employment action. *See Adeniran v. State of New York*, 106 A.D.3d 844, 965 N.Y.S.2d 163 (2d Dept. 2013).

If Complainant makes out a prima facie case of retaliation, the burden shifts to Respondents to articulate a legitimate, independent, and non-discriminatory reason for their actions. If Respondents do so, Complainant must show that the reason presented by Respondents was merely a pretext for unlawful discrimination. *Id.* at 845, 965 N.Y.S.2d at 165. In a retaliation context, an adverse employment action is one which "might have dissuaded a reasonable worker from making or supporting a charge of discrimination." *Mejia v. Roosevelt Is. Med. Assoc.*, 31 Misc.3d 1206(A), 927 N.Y.S.2d 817 (Table) (Sup. Ct. N.Y. Co. 2011), *aff'd*, 95 A.D.3d 570, 944 N.Y.S.2d 521 (1st Dept. 2012), *lv to appeal dismissed*, 20 N.Y.3d 1045, 961 N.Y.S.2d 374 (2013) (citation omitted).

Complainant alleged that Respondents retaliated against her because of her involvement with the DeFeo grievances when she was prevented from accepting the treasurer position on Respondent Department's board of directors on or about October 1, 2020.

Complainant fails to make a prima facie case of retaliation. Complainant engaged in protected activity when she participated in the investigation of the DeFeo grievances in 2019, and Respondents were aware of her involvement. Complainant sustained an adverse action when she was prevented from serving as treasurer following her election. However, Complainant failed to demonstrate a causal connection between the protected activity and the adverse action. While courts have declined to draw "a bright line to define the outer limits beyond which a temporal relationship is too attenuated to establish a causal relationship" between protected activity and adverse actions, under these circumstances, the passage of more than a year and one-half between Complainant's involvement in the DeFeo grievances and Respondents' application of its bylaws which precluded her from assuming the treasurer position is not sufficient to establish a causal nexus. *Espinal v. Goord*, 558 F.3d 119, 129 (2d Cir. 2009); *See Roche v. St. Matthews Catholic Church*, DHR Case Number 10203584 (May 21, 2025).

Even if Complainant were able to establish a prima facie case of retaliation, Respondents articulated a legitimate, independent, and non-discriminatory reason for its decision. Because Complainant was the subject of a pending grievance when she was elected treasurer, Respondent Department's bylaws barred her from assuming the office.

Complainant failed to demonstrate that Respondents' reason for precluding her from taking the treasurer position was a pretext for unlawful discrimination or retaliation. The record lacks any evidence that Respondents acted with retaliatory animus toward Complainant because of her participation in protected activity. Montouro, who was not engaged in protected activity

when he sought to run for office, was also barred from seeking an elected position on Respondent Department's board of directors because the DeFeo grievances were pending against him. This claim is dismissed.

Complainant also argued she was subjected to unlawful retaliation when Respondents terminated her membership. In addition to her involvement in the DeFeo grievances in 2019, Complainant engaged in protected activity when she filed her October 20, 2019, grievance against Respondents Gabrielli and Nickischer alleging discriminatory retaliation. As discussed previously, the time that elapsed between Complainant's protected activity and the termination of her membership was too attenuated to reasonably infer causation.

Even if Complainant had made a prima facie claim, Respondents had a legitimate and non-discriminatory reason for terminating Complainant's membership. After Complainant rejected the recommendation of the grievance committee to undergo anger management training, Respondent Department's members determined that the termination of her membership was warranted. Complainant failed to demonstrate that Respondents' reason was a pretext for unlawful discrimination. Complainant advocated for Montouro's dismissal from Respondent Department despite her lacking personal knowledge of the circumstances resulting in the June 8, 2020, grievances and advocated on behalf of Szpindor notwithstanding that he had engaged in inappropriate and threatening conduct toward another firefighter. This claim is dismissed.

Finally, Complainant alleged that Respondents retaliated against her when her face was redacted in a photograph and she was not listed as a life member in the centennial book. Complainant failed to make a prima facie case. The centennial book featured many photographs of Complainant and recognized her service as former president of Respondent Department's board of directors. The contents of Respondents' centennial book would not have dissuaded a

reasonable worker from supporting a claim of unlawful discrimination. Accordingly,
Complainant's retaliation claim is dismissed.

ORDER

On the basis of the foregoing Findings of Fact, Opinion and Decision, and pursuant to the provisions of the Human Rights Law and the Division's Rules of Practice, it is hereby

ORDERED, that the complaint be dismissed.

DATED: August 20, 2025
Bronx, NY

A handwritten signature in black ink, appearing to read "Rebecca A. Clancy", with a long horizontal flourish extending to the right.

Rebecca A. Clancy
Administrative Law Judge