

2. Respondent Metropolitan Transit Authority (“MTA”) is a provider of public accommodations as defined by the NYCHRL. *See* § 8-102 Definitions (“[T]he term ‘place or provider of public accommodation’ includes providers, whether licensed or unlicensed, or goods, services, facilities, accommodations, advantages or privileges of any kind are extended, offered, sold or otherwise made available.”); *see also Staten Island Alliance v. Mentally Ill v. Mercado*, 273 A.D.2d 36, 36-37 (1st Dep’t 2000) (identifying the respondent MTA as a provider of public accommodation in holding that the Commission has statutory authority to adjudicate petitioner’s complaint of disability discrimination).

3. Respondent [REDACTED] Johnson (“Respondent Johnson”) is employed by Respondent MTA as a terminal manager and upon information and belief, has her primary place of business at the MTA Long Island Railroad agency located at Penn Station.

4. Respondent Danny (last name unknown) is employed by Respondent MTA as a terminal agent and upon information and belief, has his primary place of business at the MTA Long Island Railroad agency located at Penn Station.

5. Respondent Bau (last name unknown) is employed by Respondent MTA as a terminal agent and upon information and belief, has his primary place of business at the MTA Long Island Railroad agency located at Penn Station.

6. This Complaint is being filed within one year of the unlawful discriminatory practices alleged herein, pursuant to New York City Admin. Code § 8-109(c).

STATEMENT OF FACTS

7. On May 7, 2019, at approximately 11:15 p.m., Complainant was commuting through Penn Station at 393 7th Avenue New York, NY 10001, when she stopped and waited in line to purchase a ticket for the Long Island Railroad from Respondent Bau, and to ask him which track her train was departing from.

8. While Complainant was waiting in line, there were other individuals ahead of her in the line, none of whom Complainant identified as African-American.

9. In the same customer service line, of the individuals ahead of Complainant, none appeared visibly Muslim to Complainant.

10. When it was Complainant's turn to speak with Respondent Bau, Complainant was able to purchase a ticket from Bau with no issue. However, upon asking him which track her train was departing from, Respondent Bau just shook his head at her and ignored her. Rather than answering Complainant's question, he instead pulled out a large wad of cash and began counting it while she waited for his response.

11. After Complainant repeated her question, instead of assisting her, Respondent Bau told her to look up at the departures board.

12. Thereafter, when Complainant asked for her change, Respondent Bau dismissively threw it at her through the window slot.

13. Because Respondent Bau refused to provide her with any assistance, Complainant was still confused and did not know which track she should go to for her train, so she approached another agent, Respondent Danny, who had no customers waiting to ask him for assistance. Once again Complainant asked him her question and received the same treatment. He also shook his head and ignored her.

14. When Complainant asked him if he could answer her question, Respondent Danny responded: **"I don't answer questions from people who look like you."**

15. Complainant responded, "Excuse me?". In response, Respondent Danny started laughing and shaking his head again, before running away without any explanation.

16. Because she did not receive help from either Respondent Bau or Respondent Danny, Complainant missed her train, as she was unable to locate the correct track using the departures board.

17. As a result of the treatment directed at her by Respondent Danny and Respondent Bau, Complainant feels offended, humiliated, and embarrassed. Complainant also now feels unsafe and uncomfortable wearing her hijab in public.

18. Complainant returned to Penn Station on or around May 8 or 9, 2019 to complain about her experiences with Respondent Bau and Respondent Danny.

19. Complainant located another MTA employee (“MTA Agent 3”), discussed what occurred, and showed him photos and videos of the incidents. In response, MTA Agent 3 stated that it was not the first time that Respondent Danny had “done something like this” and referred her to terminal supervisor [REDACTED] and assistant terminal manager [REDACTED].

20. Complainant proceeded to call Mr. [REDACTED] and left a voicemail on his answering machine. As of the date of this filing, Complainant never received any follow-up communication from Mr. [REDACTED].

21. On or around May 16, 2019, due to Ms. [REDACTED]’ encouragement, Complainant submitted a comment card describing the May 7, 2019 incidents to Respondent Johnson.

22. After Complainant submitted the comment card to Respondent Johnson, Respondent Johnson asked Complainant to send her any photos and videos of the incident, which she did.

23. As of the date of this filing, Complainant has not received any response from Respondent Johnson since submitting the customer comment card more than 2 months ago.

24. Complainant charges that Respondents MTA, Danny, and Bau denied her the full and equal enjoyment, on equal terms and conditions, of the accommodations, advantages, services, facilities, or privileges of a provider of public accommodation. Respondents Danny and Bau provided Complainant with discriminatory service and refused to provide service to Complainant due to her race and creed. Respondents Danny and Bau had reason to know her creed, because she was wearing a hijab at the time of the incidents. Additionally, Complainant was the only visibly Muslim and African

American customer in line to get assistance from Respondent Bau, and she was the only customer who Respondent Bau refused to assist.

25. Complainant also charges that Respondent MTA, through Respondent Johnson's inaction, further denies her the full and equal enjoyment, on equal terms and conditions, of the accommodations, advantages, services, facilities, or privileges of a provider of public accommodation. Since submitting the customer comment card, Complainant has not received a single communication from Respondent Johnson or any other MTA representative regarding next steps or any action that would be taken to remedy what took place or to better ensure that something similar does not happen to Complainant or other similarly situated customers in the future.

26. As a result of the Respondents' violation of N.Y.C. Admin. Code § 8-101 et seq., Complainant has suffered damages including, but not limited to, humiliation, embarrassment, and emotional distress.

27. Among other relief, Complainant seeks a formal apology from Respondent MTA for the discriminatory acts described above.

28. Complainant also seeks for Respondents Danny and Bau to be terminated from their employment with MTA to deter future reprehensible conduct. NYCHRL violations, by their very nature, inflict serious harm "to both the persons directly involved and the social fabric of the city as a whole." See *Chanca v. Abraham*, 30 N.Y. 3d 325, 334 (2017) (quoting Rep. of Comm. on Gen. Welfare, Loc. L. No. 85 (2005)). Further, as stated in the facts above, according to at least one MTA employee, this was not the first time that Respondent Danny engaged in discriminatory conduct against customers. Thus, Respondents' unlawful discriminatory practices, if allowed to persist, will continue to greatly impede Complainant's right to travel in and around New York City and the right of those similarly situated.

29. Finally, Complainant also seeks punitive damages against Respondents MTA, Bau, and Danny to deter future reprehensible conduct. The NYCHRL allows for the recovery of punitive damages where “the wrongdoer has engaged in discrimination with willful or wanton negligence, or recklessness, or a ‘conscious disregard of the rights of others or conduct so reckless as to amount to such disregard.’” *Chauca*, 30 N.Y. 3d at 325. Here, Respondent Bau and Respondent Danny intentionally denied Complainant fair and full access to MTA’s services. Thus, Complainant is entitled to recover punitive damages under NYCHRL.

STATEMENT OF NO PRIOR FILINGS

30. Complainant has not previously filed any other civil or administrative action alleging an unlawful discriminatory practice with respect to the allegations of discrimination which are the subject of the complaint.

Dated: July 30, 2019

Respectfully submitted,



Ahmed Mohamed, Esq.
Council on American Islamic Relations, New York Inc.
Attorney for Complainant
46-01 20th Avenue
Queens, NY 11105
T: (646) 665-7599
F: 646-934-6051

To: Office of the Docketing Clerk of the Law Enforcement Bureau
22 Reade Street, New York, NY 10007
LEB@cchr.nyc.gov
Via certified mail and e-mail

COMPLAINANT VERIFICATION

STATE OF NEW YORK)

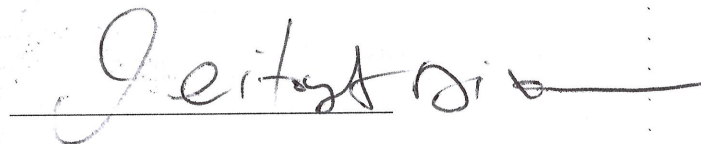
): ss

COUNTY OF KINGS)

The undersigned Complainant, being duly sworn, deposes, and says that the deponent has read the Complaint, and the contents of the petition are true to the deponent's own knowledge, except as to those matters which are alleged upon information and belief, and as to such matters the deponent believes them to be true.

Date: July 28, 2019

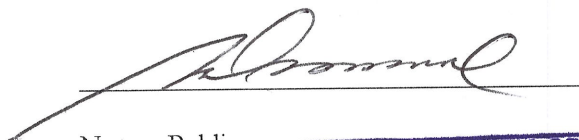
New York, New York



Leitoya Dixon

Sworn to before me this 28th day

of July 2019.



Notary Public

