

CITY OF NEW YORK  
COMMISSION ON HUMAN RIGHTS

Complaint No.:  
M-E-S-11-1024934

In The Matter of the Complaint of:

MONICA CARDENAS,

Complainant,

- against -

AUTOMATIC METER READING CORP. and JERRY FUND,

Respondents.

Verified Complaint

Complainant Monica Cardenas, complaining of Respondents, alleges as follows:

1. Complainant Monica Cardenas ("Complainant") is a woman. Her address is 790 11<sup>th</sup> Avenue, Apt. 38G, New York, NY 10019.
2. Respondent Automatic Meter Reading Corp. ("Automatic") is an employer as defined by Section 8-102 of the Administrative Code of the City of New York and employs at least four employees. Its address is 450 7<sup>th</sup> Avenue, Suite 402, New York, NY 10123.
3. Respondent Jerry Fund owns Respondent Automatic. His address is c/o Automatic Meter Reading Corp., 450 7<sup>th</sup> Avenue, Suite 402, New York, NY 10123.
4. In or around December 1995, Complainant began working at Respondent Automatic as a billing clerk.
5. In or around May 2008, Respondent Fund promoted Complainant to office manager.
6. Starting from in or around May 2008, and until Complainant ceased employment at Respondent Automatic, Respondent Fund asked Complainant on a weekly basis, "why did I put a woman in charge," or words to that effect.
7. Starting from in or around May 2008, and continuing to on or about January 25, 2011, on approximately six occasions, Respondent Fund would offer to give Complainant a chest rub whenever Complainant was feeling sick. Complainant declined Respondent Fund's offer and told him that his advances were unwelcome.
8. Starting from in or around May 2008, and continuing to in or around February 2011, on approximately four occasions, whenever Complainant stated that she had a headache, Respondent Fund would say that he heard that sex helps and "I can help you with that," or words to that effect. Complainant always declined his offer.

9. Starting from in or around May 2008, and continuing to March 4, 2011, on a monthly basis, Respondent Fund said, "Let's run away together. Wherever you want to go. You pick the place. I'll remember to bring the Viagra and Cialis," or words to that effect. Complainant declined Respondent Fund's offer and told him it was unwelcome.
10. In or around March 2010, Respondent Fund licked the right side of Complainant's neck. In response, Complainant left the office.
11. In or around April 2010, Respondent Fund inserted a rolled up newspaper into the back of Complainant's pants while she was squatting.
12. In or around May 2010, during a conference call with a client, Respondent Fund made references to Complainant being "good in the sack" and said she is a "hot Latina" and a "pretty good looking woman," or words to that effect. After the conference call, Complainant told Respondent Fund that he should not treat her this way.
13. Starting from in or around August 2010, and at least until Complainant left Respondent Automatic, Respondent Fund displayed a cartoon of a scantily dressed woman in various sexual poses that said, "Too sexy for the office" and "I was fired 'cause I'm hot!" Respondent Fund wrote on top of the cartoon, "OUR OWN MONICA!" Respondent Fund refused Complainant's request that he remove the cartoon.
14. In or about February 24, 2011, Respondent Fund referred to a bikini clad model in a Sports Illustrated Swimsuit Issue and said to Complainant, "you used to have boobs like that." Complainant asked him to not say things like that to her. Later that same day, Respondent Fund referred to the same model and said to the billing staff, "Monica used to have a body like that," or words to that effect.
15. On or about March 2, 2011, Respondent Fund hit Complainant's butt with his umbrella. Complainant told Respondent Fund, "Stop it. And don't do that," or words to that effect. In response, Respondent Fund again used his umbrella to hit Complainant's butt.
16. On or about March 4, 2011, Complainant left Respondents' employment.
17. Complainant charges that Respondents have discriminated against her by subjecting her to a hostile work environment, by sexually harassing her because of her gender, and by constructively terminating her employment, in violation of Section 8-107(1) (a) of the Administrative Code of the City of New York and have damaged her thereby.

Monica Cardenas, being duly sworn, deposes and says: that I am the Complainant herein; I have read or had read to me the foregoing Complaint and know the content thereof; that the same is true of my own knowledge except as to matters therein stated on information and belief; and as to those matters, I believe the same to be true.

Monica Cardenas  
Monica Cardenas

Subscribed and sworn to me this 4<sup>th</sup> day  
of May 2011

[Signature]  
(Signature of Notary Public)

LUCIA MENDIETA  
Commissioner of Deeds  
City of New York No. 4-2202  
Certificate Filed in Queens County  
Commission Expires June 1, 2012