

CITY OF NEW YORK
COMMISSION ON HUMAN RIGHTS

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In the Matter of

COMMISSION ON HUMAN RIGHTS ex rel.
PATRICIA LISSADE,

Complaint No. M-H-RLN-13-1029220

OATH Index No. 188/16

Petitioner,

-against-

YUNETTA BARON,

Respondent.
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DECISION AND ORDER

On September 25, 2013, the Law Enforcement Bureau of the New York City Commission on Human Rights (the “Bureau”) filed a verified complaint (“Complaint”), initiating this housing discrimination case on behalf of Complainant Patricia Lissade, alleging that Respondent Yunetta “Julia” Baron violated § 8-107(5)(a)(1) by refusing to provide Complainant with an application to rent a cooperative apartment based on Complainant’s race, color, and national origin. (ALJ Ex. 1; *see also* Bureau Comments at 1.)

Following a two-day hearing, the Honorable Susan J. Pogoda of the Office of Administrative Trials and Hearings (“OATH”) issued a report and recommendation dated August 25, 2017 (“Report and Recommendation”) to the Office of the Chair of the New York City Commission on Human Rights (“Commission”). The Commission refers readers to the Report and Recommendation for a detailed summary of the facts of the case.

In her Report and Recommendation, Judge Pogoda recommended that the Commission dismiss the Complaint, concluding that while the Bureau established a *prima facie* case of housing discrimination, it failed to show that Respondent’s articulated non-discriminatory reason

for not providing the rental application to Complainant was a pretext for discrimination, as required under the New York City Human Rights Law. *In re Comm'n on Human Rights ex rel. Lissade v. Baron*, OATH Index No. 188/16, R&R, at *6 (August 25, 2017).

Having reviewed the Report and Recommendation, hearing transcript, evidence entered into the hearing record, and the parties' comments on the Report and Recommendation, the Commission agrees with Judge Pogoda's recommendation that the Complaint should be dismissed. The Bureau failed to carry its burden to show by a preponderance of the evidence that Respondent's proffered explanation was actually pretext for discrimination. *See, e.g., Stephenson v. Hotel Emps. & Rest. Emps. Union Local 100 of the AFL-CIO*, 6 N.Y.3d 265, 268 (2006); *Ferrante v. Am. Lung Ass'n*, 90 N.Y.2d 623, 630 (1997) (quoting *St. Mary's Honor Ctr. v. Hicks*, 509 U.S 502, 519 (1993)).

Accordingly, it is hereby ORDERED that the Complaint is dismissed.

Dated: New York, New York
August 8, 2018

SO ORDERED:

New York City Commission on Human Rights



Carmelyn P. Malalis
Commissioner/Chair

To:

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