

**EXECUTIVE DIRECTOR'S  
REPORT TO COMMISSIONERS  
25 JUNE 2010**

**I. BUDGET**

**S = State/General Revenue; F = Federal (EEOC/HUD); T = Total**

	<b>FY 2010 (Revised)</b>	<b>FY 2010 (Supp.)</b>	<b>FY 2011 (Request)</b>	<b>FY 2011 (Gov.Rec.)</b>	<b>FY 2011 (Passed)</b>
<b>S</b>	<b>961,874</b>	<b>961,874</b>	<b>1,052,721</b>	<b>1,016,877</b>	<b>1,016,877</b>
<b>F</b>	<b>356,615</b>	<b>313,219</b>	<b>400,268</b>	<b>356,689</b>	<b>356,689</b>
<b>T</b>	<b>1,318,489</b>	<b>1,275,093</b>	<b>1,452,989</b>	<b>1,373,566</b>	<b>1,373,566</b>

**The Commission's Revised FY 2010 and FY 2011 Budget Proposals were submitted to the Budget Office/Governor on October 23, 2009. The FY 2010 Revised Appropriations Bill contains funding for the Commission's full 14.5 FTEs. The Governor is recommending funding for the full 14.5 FTEs for both FY 2010 and FY 2011.**

**The Commission's FY 2011 budget was heard by House Finance on April 27. I attended the hearing and made a brief presentation regarding the Commission's FY 2009 performance and its current budgetary needs and answered questions from Committee members. The FY 2011 Budget, as recommended by the Governor and noted above, has passed.**

## **II. FEDERAL CONTRACTS**

**EEOC – For federal FY 2010 (beginning October 1, 2009), according to EEOC Project Director Marlene Toribio, we have closed 170 co-filed cases. Our EEOC contract for the fiscal year is for 251 cases (an increase to the FY 2008 funding level following last year’s unilateral 16% contract reduction). We need to close 81 more co-filed cases by September 30 to meet the contract.**

**HUD – For FY 10, according to HUD Project Director Angela Lovegrove, we have taken in 43 new housing charges, 37 of which are co-filed with HUD. Within this same time period, we have processed 46 housing charges, 39 of which were co-filed with HUD.**

## **III. PERSONNEL**

**The revised FY 2010 and FY 2011 budget proposals request that the 0.5 Sr. Compliance Officer position recently vacated by Tina Christy remain unfilled in order to meet the Budget Office’s revenue target. Our Budget Analyst has advised that this position may actually be cut from the Commission’s budget. The Governor has recommended funding for all of our 14.5 FTEs for FY 2011. The proposed FY 2011 budget, which contained a provision for 14.5 FTEs at the Commission, has passed.**

#### **IV. OUTREACH – Refer to attached report**

#### **V. GENERAL STATUS**

**&#9679;Meetings with staff members – I continue to meet with individual investigative staff members on a monthly basis to monitor case production.**

**&#9679;Case Closures – Refer to attached report.**

**We are behind last year’s case processing rate. For FY 09, we processed 408 cases from July 1 to the end of May; for this fiscal year, we processed 360 in that same time period (approx. 12% reduction).**

**&#9679;Aged Cases – Refer to attached report.**

**&#9679;Overall Case Inventory – The Commission had over 1000 cases in its inventory at the end of FY 98. We ended FY 09 with approximately 325 cases in inventory. As of 6/18/10, we had a total of 332 cases in inventory; 57 of those cases were pending assignment. On 6/18/10, 50 of the pending cases were assigned to investigation.**

**&#9679;HUD Review – The Commission is awaiting receipt of HUD’s Performance Assessment based on HUD’s April on-site review.**

**&#9679;EEOC National Conference – The EEOC held its annual**

**national conference for FEPAs in Philadelphia from June 9 to June 11. Marlene Colon Toribio, EEOC Project Director, and I attended.**

**&#9679;HUD National Conference – HUD will hold a national conference in New Orleans from July 19 through July 23. Frank Gaschen, Angela Lovegrove, Jason Flanders and I will attend.**

**&#9679;Computers – A purchase requisition for 15 new computers (towers only; not monitors) has been tentatively approved by Budget Analyst Theo Toe based on an emergency need. We await final word from the Budget Office.**

**Respectfully submitted,**

**Michael D. Évora  
Executive Director**

**Attachments**

**To: Commissioners**

**From: Cynthia Hiatt and Frank Gaschen, Legal Counsels**

**Re: Litigation**

**Date: June 25, 2010**

**Recent developments are in bold.**

### **Christopher Antonelli Bankruptcy**

**On November 5, 2008, the Commission entered a Decision on damages in the case of DeAngelis v. Antonelli, et al. Thereafter Mr. Antonelli filed bankruptcy. The bankruptcy court held that the actions of the debtor were intentional based upon the findings of the Commission; therefore, the debt to Ms. DeAngelis was not discharged.**

### **Aquidneck Island v. RICHR, et al.**

**This suit was brought by the plaintiff against multiple parties, alleging that liens have been placed on its property improperly. All liens were against Norman Cardinale not Aquidneck. Case is moot now.**

### **Atturio et al v. Évora**

**This is an appeal of a Commission decision that granted in part and denied in part a motion to quash a Commission subpoena. The Superior Court upheld the decision of the Commission. The plaintiffs petitioned the RI Supreme Court to hear the case. The Supreme Court denied the respondents request to have a review of the Superior Court decision upholding the Commission. The first visit to Colony Personnel was today.**

### **Babbitt v. Crescent Park Manor, et al.**

**The Commission intervened as a party plaintiff in this case. A discovery deposition was held. Defendants' Motion for Summary**

**Judgment was denied. The case will be called for trial shortly. New depositions are being scheduled of witnesses for plaintiff.**

**Bagnall v. RICHR and WLWC et al.**

**The complainant appealed the Commission Decision and Order. The Commission filed the administrative record on April 12, 2006. On April 22, 2008, the complainant's attorney filed his brief. The Commission's Brief was filed on August 27, 2008. The Commission received the respondent's brief on December 5, 2008. The parties plan to move to have the appeal assigned to a judge for decision. The complainant's attorney has informed me that he may file a reply memo.**

**Dill v. Wal-Mart**

**The plaintiff in this Superior Court disability discrimination claim has subpoenaed Commission records. Commission Counsel and plaintiff's counsel have agreed to limited production of records by March 31. Interested parties have been notified of the Commission production of records. The respondent filed a Motion to Quash with the Superior Court on March 29. The hearing was scheduled for May 3; it has been rescheduled to July 5. The parties have apparently agreed that the Commission does not need to comply before the hearing on the motion.**

**Ezersky v. Rite-Way Forms, Inc.**

**On October 8, 2009, the complainant filed a petition to enforce the Commission Order. The petition was granted on October 23, 2009.**

#### **Gaffney v Town of Cumberland et al**

**The respondent appealed the Commission decision. In November, 2007, Judge Savage remanded the Commission Decision for the Commission to determine how the Commission would evaluate the evidence, given the conclusions reached in her decision. Judge Savage also asked the Commission to re-assess its Order. After numerous efforts to reach a resolution between the parties, and submissions by the parties in the winter and spring of 2009, the case was taken under consideration by the Commission. A decision in the case issued on March 12, 2010. On April 14, 2010, Commission counsel accepted service of respondents' appeal of the Commission decision. The appeal names the Commission as a whole and Commissioners Susa, Kolman Ventrone and Vella-Wilkinson in their official capacities. Justice Savage, in her 2007 decision, provided that she maintained jurisdiction over any future appeals. The administrative record is being prepared for filing. Commission Counsel has asked the other parties if they want to stipulate on a briefing schedule.**

#### **J.J. Gregory and Sons v. RICHR and Brenda Zeigler**

**The Commission found that J.J. Gregory and Sons discriminated against Brenda Zeigler because of her sex. J.J. Gregory and Sons filed an appeal. Its appeal was amended to include an appeal of the**

**Commission's Decision on Damages and Attorney's Fees. The Commission filed the record on February 14, 2008. Respondent filed its brief on January 5, 2009. The complainant filed her brief on January 29, 2009. The Commission filed its brief on February 9, 2009.**

**On February 10, 2009, the appeal was assigned to Judge Judith Savage for decision.**

### **Laboy v. Stat Health Services**

**Counsel is trying to locate respondent's officers in order to ensure compliance with the Commission Decision and Order. One respondent was located in MA. Suit was filed to enforce the Commission Decision; service on the respondent has not been effectuated yet. Attorney Gaschen cannot locate the individual defendant.**

### **MHRH v. RICHR and the Estate of Dr. John Satti**

**MHRH has appealed the Commission decision that MHRH retaliated against Dr. Satti and discriminated against him on the basis of his age. MHRH filed its Brief on August 7, 2008. On October 21, 2008, the Commission filed the administrative record. On January 14, 2009, the Commission filed its brief. The complainant's brief is pending.**

### **RICHR (Banyaniye) v. Mi Sueno, et al.**

**A Petition for Enforcement was filed and the defendants served. The case was answered. A judgment stipulation was sent to counsel for**

**the defendants that will be signed and case dismissed.**

**RICHR (Breault) v. Elmhurst House, et al.**

**In this Fair Housing Practices Act case, the respondents elected to have the case heard in Superior Court. Suit on behalf of the Breaults was filed against four respondents in Providence Superior Court on January 27, 2009. Discovery was served upon the defendants.**

**RICHR (Hogan) v. AHA, et al.**

**Respondents elected to have this FHPA case heard in Superior Court. The Complaint was served and extra time to respond was requested by respondents. The case was settled and documents were faxed to Attorney Dineen.**

**RICHR (Lovegrove) v. Escolastico**

**A Rhode Island judgment was obtained and sent to a Florida lawyer for collection. Counsel is waiting for Ms. Lovegrove to forward funds to the Florida counsel to begin Supplementary Proceedings against Mr. Escolastico. Mr. Escolastico's house was auctioned in foreclosure on June 10, 2010.**

**RICHR (Manfred) v. BD Holding (Facilities Services Mgt, Inc.)**

**A complaint was filed to enforce the Commission decisions. The**

**complaint and discovery requests have been served on the respondent. The Answer was filed. Motions to compel compliance with discovery have been sent out. A Motion for Summary Judgment will be prepared.**

**RICHR (Martin) v. Cardinale, et al.**

**A complaint alleging a transfer of real estate in violation of the Uniform Fraudulent Transfers Act was filed against Norman Cardinale, et al. Motions for Entry of Default were granted on January 21, 2009.**

**RICHR (Martin) v. Cardinale, et al.**

**A complaint alleging a transfer of partnership interests in real estate in violation of the Uniform Fraudulent Transfers Act has been filed against defendants. Discovery was commenced. Motions to compel will be filed.**

**RICHR (Morin) v. Teofilo Silva, et al.**

**A complaint for enforcement was filed on 3-24-05. Service of the complaint will be made once respondent can be located.**

**RICHR (Robinson) v. Geruso, Flagship Management, et al.**

**After a finding of probable cause, a complaint against six defendants was filed in Superior Court alleging racial discrimination in a failure to rent case. The case was settled and HUD and the press notified.**

**RICHR will monitor the case for three years. The first report, due March 19, 2010, was received.**

**RICHR (Wright) v. New Canonchet Cliffs, et al.**

**The Commission found probable cause and the respondents elected in this housing case that alleges failure to give a reasonable accommodation regarding a support animal (the respondents claimed that the dog was too big for a pet). Suit was filed in Washington County Superior Court. The complaint was sent to counsel for defendants who agreed to accept service. The Answer was filed and discovery will commence shortly.**

**RICHR (Switzer) v. Principe and TEN SEVENTY EIGHT MAIN**

**The Commission found probable cause and the respondents elected in this housing case that alleges familial status discrimination. Judgment has been entered against Principe and Ten Seventy Eight Main was granted on March 10, 2010. Executions were levied on their property. An offer was received from defendants' counsel and a response was given.**

**RICHR (Zeigler) v. Laura Sitrin, Finance Dir. of Newport**

**The case is resolved. The Commission must annually monitor City training. Training was completed for 2009.**

**Tucker v. Blue Cross**

**The complainant filed an appeal of the Commission's finding of no probable cause. No action taken since appeal filed in 2004.**