

APPEAL AND COMPLAINT

CITY OF NEW YORK
COMMISSION ON HUMAN RIGHTS

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ROY DEN HOLLANDER,

Appellant-Complainant,

Case No.: M-P-A-11-1024266

-against-

CARLOS VELEZ, Executive Director, Law Enforcement
Bureau, N.Y.C. Commission on Human Rights,

Respondent,

AMNESIA J.V. LLC, and David “L.N.U.,”

Appellees-Respondents.

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CARLOS VELEZ’S INTENTIONAL DISCRIMINATION

This is a complaint against Carlos Velez (“Velez”), attorney and Executive Director of Law Enforcement for the City of New York Commission on Human Rights (“City HR”), for illegally discriminating against attorney Roy Den Hollander, a Euro-American. Then again, maybe Velez discriminated against Den Hollander for being an African-America. After all, everyone’s ancestors originated in Africa. Anyway, Velez, in his capacity as the City HR’s Executive Director for Law Enforcement, intentionally discriminated against Roy Den Hollander (“Den Hollander”) in investigating and issuing a Determination and Order (“*Order*”) motivated by Velez’s prejudice, in part, against Euro-Americans.

This is also an appeal of that July 27, 2012, *Order*. The City HR calls such an appeal a Notice of Application for Review under 47 RCNY 1-22(f).¹

¹ If the City HR prefers two separate documents: a complaint against Velez and an appeal of his Order, then Den Hollander will of course comply.

Velez's *Order* dismissed Den Hollander's age discrimination complaint against the Manhattan nightclub Amnesia based on various extra-legal and bigoted reasons that expose a discriminatory intent by Velez in investigating, writing, and issuing the *Order*. Bureaucratic bias, even against Euro-Americans, has no place among civilized men.

“Discrimination itself, by perpetuating ‘archaic and stereotypic notions’ or by stigmatizing members of the disfavored group as ‘innately inferior’ and therefore as less worthy participants in the political community, ... can cause serious noneconomic injuries to those persons who are personally denied equal treatment....” *Heckler v. Mathews*, 465 U.S. 728, 739-740 (1984).

The age discrimination complaint was filed with the City HR after the New York State Division of Human Rights concluded that the nightclub Amnesia did not discriminate against Den Hollander and his male attorney friend based on their sex but probably their age—middle age. The State Human Rights Division, however, does not have jurisdiction over age discrimination by nightclubs, so Den Hollander immediately contacted the City HR, which does have jurisdiction, to initiate the process for filing a complaint based on age discrimination against Amnesia.

Right from the beginning, Velez, who under the law is supposed to act as a neutral fact-finder, demonstrated his prejudice toward Den Hollander on multiple levels—some of it illegal under the City's Administrative Code and some of it not.

On October 15, 2010, at an appointment with the City HR, Velez initially would not allow Den Hollander to file an age discrimination complaint against Amnesia. Amnesia had refused to allow Den Hollander and one of his attorney friends, both of them male and middle age, to enter the club unless they paid \$350 for a bottle of watered-down, no-brand vodka once inside while others in their twenties and thirties were admitted without having to buy a bottle.

Velez responded through one of the City HR's attorneys that there was no discrimination because had Den Hollander and his friend agreed to buy a \$350 bottle, they could have entered.

Years ago in Montgomery, Alabama, people with relatively darker skin color could enter a public bus, but they would have to sit in the back. By Velez's looney-tune reasoning, such conduct was not discriminatory because those with a different skin complexion were not barred from entering and riding the buses as long as they sat in the back. The U.S. Supreme Court disagreed in *Browder v. Gayle*, 352 U.S. 903 (1956), which found that allowing blacks to enter a bus, but requiring them to sit in the back was unconstitutional discrimination. In a different case, the U.S. Supreme Court also ruled that a discrimination injury can be the existence of a "barrier [read \$350 bottle of vodka] that makes it more difficult for members of one group [read older guys] to obtain a benefit [read chasing young ladies] than it is for members of another group [read younger guys]." *Northeastern Fla. Chapter, Associated Gen. Contractors of America v. Jacksonville*, 508 U.S. 656, 666 (1993).

So, contrary to the U.S. Supreme Court but in accordance with Velez's own brand of law, since Den Hollander and his friend could enter the club [get on the bus] but once inside, they would have to buy a bottle [sit in the back], there was no discrimination. There is nothing comical about this type of rationalization used by Velez and many residents of the Deep South in another century. It makes clear a mindset driven by prejudices, which in Velez's case are directed toward Den Hollander and people like him.

A letter by Den Hollander to the City HR's Commissioner touching on the above arguments forced Velez to accept the case but didn't reign in his prejudice that colored his investigation, decision making, and *Order*.

Under New York City’s Human Rights Law, Admin. Code Title 8, discrimination based on national origin, color, sex, and marital status are all illegal. Discrimination against ancestry is also illegal, since it is included under national origin. N.Y.C. Admin. Code § 8-102(7).

The name “Den Hollander,” which means “the Dutchman,” and photographs of him on his website, www.roydenhollander.com, which Velez refers to in his *Order*, Ex. A at p. Tres, brand Den Hollander as belonging to that currently disfavored group—Euro-American males. (For some reason, Velez failed to put page numbers on his *Order*, so Den Hollander has supplied them for citation purposes, *see* Ex. A, *Order*). Den Hollander’s ancestry is obviously Dutch and almost as obviously protestant, specifically Huguenot protestant.

In the 16th and 17th centuries, 200,000 to a million Huguenots fled Catholic France to places such as the Dutch Republic and later New Amsterdam, now New York City, because Roman Catholic bureaucrats and rulers deprived Huguenots of the rights allowed others and targeted them for massacres. The most infamous occurred over two months called the St. Bartholomew's Day massacre in which 25,000 Huguenots in Paris² and thousands more in the countryside were butchered. The government subsequently granted amnesty to the butchers.

Velez’s prejudices against the likes of Den Hollander—Euro-American, protestant ancestry, divorced male, in part, drove him to dismiss the complaint against Amnesia. On information and belief, Velez is Latin-American and Catholic. As often happens when members of previously disfavored groups in America, such as Hispanics and Catholics, achieve a modicum of power, some of those members abuse that power to vent revenge for discrimination they suffered—both real and imagined. Velez likely believes that white-Saxon-protestant-males have discriminated against him; therefore, he is justified in settling the score by using his power

² Paris’ population at the time was just over 600,000.

against a member of that group. Even if Velez's career was hampered by discrimination, it was not Den Hollander who did such. More importantly, however, two wrongs don't make a right.

Den Hollander also considered accusing Velez of illegally discriminating based on color, since Den Hollander is "white," when not using the tanning salon, and Velez of a darker complexion, according to his Internet photo, assuming the f-stop was correct. But since Den Hollander lives in one of the few remaining communist territories on the planet—Manhattan, and most of the judges here are lefties, feminists, and political correctionalists who will use any Orwellian argument to further their ideology, he assumed it not so far-fetch that they would rule "white" not a color but an absence of color, so no illegal discrimination based on the superficial characteristic of color.

Den Hollander is also obviously a male and as Velez criticizes in his *Order*, "a self-professed advocate for men's rights who identifies himself as an 'anti-feminist lawyer' on his website, www.roydenhollander.com. He has filed a number of lawsuits against bars and clubs that have 'Ladies Nights,'" (Ex. A, *Order* at p. Tres). Such, however, does not indicate that Velez illegally discriminated against Den Hollander based on sex, but it is discrimination based on Den Hollander exercising his First Amendment rights, which include the right to file lawsuits to fight for the rights he foolishly thought the U.S. Constitution guaranteed him, *N.A.A.C.P. v. Button*, 371 U.S. 415, 429 (1963), to believe as he chooses, and to communicate those beliefs. This type of discrimination is not illegal under the City's Human Rights Law, but is the same tactic so commonly used throughout history by small minded conformists and totalitarians: justify violating human rights because the individual does not believe, speak, and act as "right minded" people do, or in this case "left minded," and therefore he belongs to a disfavored group.

In my case, the last remaining 200 men in America willing to fight the feminists and political correctionalists who are trying to impose their own brand of totalitarianism.³

While Velez's disapproval of Den Hollander's jihada against the Feminists (that's jihad with an "a"—wouldn't want to be accused of gender insensitivity) is irrelevant to the age discrimination complaint filed with the City HR, it makes clear that Velez's discrimination is also driven by his effort to curry favor with the Feminist Establishment,⁴ a.k.a. "Feminarchy America," by adding to his reasons for ruling against Den Hollander the classification that Den Hollander is an "anti-feminist."

When the City HR dismisses a complaint for "no probable cause," it is required to issue a written order listing the reasons. 47 RCNY § 1-52. Velez included the paragraph describing Den Hollander's anti-feminist activities in his Order; therefore, Den Hollander's beliefs, speech, and lawsuits concerning such are a reason for the dismissal. Otherwise, why include the remarks.

Velez's *Order* demonstrates that he, like so many self-righteous government officials today, believes America is now a country like the former Soviet Union where legal decisions should be made based on whether a person subscribes to the popular, trendy ideology of the time. Those who dissent are not disserving of the rule of law because they are so inferior to the "in crowd," or the effete, Eastern, intellectual, white-trash elite, that they have no rights for the law to protect. Today, all that is needed to justify the stripping of a man's rights is to label him an

³ Whoa, "totalitarianism" is a strong term. But according to Howard Zinn, "To exalt as an absolute is the mark of totalitarianism, and it is possible to have an atmosphere of totalitarianism in a society that has many of the attributes of democracy." Believing that a particular political ideology is "correct" is as nuts as believing a particular religion is the "true" religion—look at the carnage that has caused.

⁴ The Establishment today is a Feminist Establishment—a unitary belief system held by enough influential persons so that it dominates over other beliefs in this society, such as the principles of the Declaration of Independence and the Constitution.

“advocate for men’s rights” or “anti-feminist.” (Ex. A, *Order* at p. Tres). In the 1950s, the label was “fellow traveler.”

Justice is supposed to be blind, not just to race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, alienage or citizenship status, but to a person’s beliefs. In this democracy, legal decisions are not supposed to be determined by the popularity of such beliefs.

Velez also based his dismissal on Den Hollander’s “marital status,” which is prohibited under the City’s Human Rights Law. Velez writes, “[Den Hollander] admits in several online publications that he is ‘bitter’ from an ex-wife who used him for his US citizenship and money.” (Ex. A, *Order* at p. Tres). That’s an understatement. The ex-wife—a Russian mafia prostitute, former mistress to a Chechen warlord, self-proclaimed black-magic witch, and devotee of the anti-Christ—secretly fed Den Hollander drugs so that he would believe the euphoria he experienced in her presence was the delusion of love—that’s as a noun not a verb. Thanks to the perversion of state domestic relations laws by the Feminists, the Queens Family Court issued a temporary order of protection against Den Hollander, which resulted in U.S. Customs detaining him when he entered the country after the order was dismissed. Also, thanks to the Feminists’ creation of the Violence Against Women’s Act, Homeland Security made findings of fact that Den Hollander, who had no opportunity to oppose or refute its findings, committed “battery,” or “extreme cruelty” or “an overall pattern of violence” against his alien ex-wife.

Okay, so Velez got something right, Den Hollander is “bitter” toward his ex-wife and her feminist allies, but what does that have to do with an age discrimination complaint against a New York City nightclub? According to Velez, “[Den Hollander’s] description of himself [an anti-feminist] is consistent with his pattern of filing several gender discrimination suits.” (Ex, A,

Order at p. Tres). Den Hollander pleads guilty, but so what? Is Velez actually saying that any person and organization that sues in court for human rights guaranteed by the U.S. Constitution can be summarily discriminated against because they brought prior suits? By that reasoning, had Velez been on the U.S. Supreme Court in 1954, he would have ruled against the NAACP in *Brown v. Board of Education*, 347 U.S. 483, because the NAACP had a history of fighting in the courts for human rights. Would he rule the same way on actions brought by the National Council of LaRaza? Not likely, but consistency rather than arbitrary decision making driven by prejudices would required that LaRaza lose before Judge Velez.

CARLOS VELEZ’S FAULTY LEGAL REASONING FOR DISMISSING THE COMPLAINT AGAINST AMNESIA

Velez dismissed the age discrimination complaint against the nightclub Amnesia by finding “there is NO PROBABLE CAUSE to believe that [Amnesia] engaged in the unlawful discriminatory practices alleged.” (Ex. A, *Order* at p. Uno). That’s age discrimination.

“Probable Cause” for the City HR means “where a reasonable person, looking at the evidence as a whole, could reach the conclusion that it is more likely than not that the unlawful discriminatory practice was committed.” 47 RCNY 1-03. There are two important points to note about this definition.

First, it does not require ongoing practices of discrimination, such as, Amnesia regularly requires gray-haired men to pay \$350 for admission while allowing younger folk in for \$20, unless they are hot girls, then it’s free. All that is needed is a onetime act of discrimination: Den Hollander and his buddy, both middle-aged guys, show up at Amnesia on January 9, 2010, at around 11 pm and are barred from entering unless they agree to buy a bottle for \$350 while young folk aren’t. The legal authorities that a single instance of discrimination is good enough to show probable cause are the cases *Silver Dragon Restaurant v. City Commission on Human*

Rights, N.Y.L.J., March 31, 2004, p. 24, col. 3 (Sup. Ct. Kings Co.)(on one occasion a black lady was required to pay for food before it was served while others who were white were served and then paid) and *Joseph v. N.Y. Yankees Partnership*, N.Y.L.J., October 24, 2000, p. 35, col. 5 (S.D.N.Y.)(on one occasion a black lady was refused admission to the Stadium Club unless she changed attire, which she did, but inside saw that white ladies did not have to wear the same type of attire). Velez arbitrarily ratchets up the standard by requiring multiple “discriminatory practices,” Ex. A, *Order* at p. Uno, or continuing discrimination in order vent his ill will by dismissing a complaint filed by a divorced, men’s rights advocate of Euro-American and protestant ancestry.

The second important point to keep in mind is that a decision as to whether probable cause exists has to rely on “evidence.” Velez can’t ferret up untrustworthy, unauthentic, and unreliable information and claim it is evidence good enough to base his decision on. For information to be used as evidence means:

[The] [e]ssential attributes are relevance and probative nature. Such evidence is marked by substance and the ability to inspire confidence. It does not arise from bare surmise, conjecture, speculation or rumor.

300 Gramatan Ave. Associates v. State Div. of Human Rights, 45 N.Y.2d 176, 180

(1978)(citations omitted). Also, evidence for establishing facts can only be alleged by a person in a position to know the facts. *Penn Troy Mach. Co., Inc. v. Dept. Gen. Services*, OATH Index No. 478/93 (March 2, 1993).

Information in which one person tells another and that second person tells the City HR or one person writes something and the City HR only has the written document is called hearsay and is treated skeptically. *Triborough Bridge and Tunnel Auth. v. Simms*, OATH Index No. 1303/97 (May 30, 1997). The reason is that the person making the original statement or writing

the document does not present himself to the City HR for assessment of his demeanor and credibility, does not submit to cross examination by the City HR in which the certainty of his perceptions, his motivations, and biases, the reliability of his memory, and his character may be tested by one with a motive to test vigorously. *Triborough Bridge*, OATH Index No. 1303/97.

The City HR is charged with eliminating and preventing discrimination; therefore, it has a motive to “test vigorously” information it relies on for a finding. Not so its head of law enforcement when discrimination is against persons he considers lacking in human rights.

Velez relies, in part, on two Internet blogs he considers sufficient evidence to prove that Amnesia also requires younger folk to buy a \$350 bottle in order to enter. (Ex. A, *Order* at p. Cuatro). There are two problems with Velez’s reliance: (1) the blogs are not only hearsay but unreliable, unauthenticated, and untrustworthy and (2) he’s using the blogs to prove something that is irrelevant.

First, how does Velez know these two people are who they say they are, were sober enough that their perceptions and memories were accurate, were actually at Amnesia when they claimed, and that the first blogger cited was not allowed in without buying bottles not because of her youth but because she was with gray haired guys? He doesn’t. Also as to the second blogger, that blogger doesn’t even mention bottles, just that younger folk were “lining up at the downstairs bar,” which is inside the club. How does Velez know these clubbers were lining up to buy bottles? He doesn’t and his assumption that they were is wrong. People in clubs who buy bottles place their orders while sitting at tables because waitresses are the ones who serve the bottles along with cantors of mixer and glasses—customers don’t line up at bars for bottles but individual drinks.

What's inexcusable in Velez relying on these blogs is that the City HR has subpoena power to gather testimony, affidavits, documents, and other evidence. Did Velez subpoena these bloggers or even try to contact them? Nooooo.

The second and more important problem with Velez's Internet dependence is that the blogs do not purport to represent the events that occurred to Den Hollander and his friend on January 9, 2010. Remember the black lady who suffered a single instance of discrimination by a restaurant and the black lady who had to change clothes to enter a club. The Office of Administrative Trials and Hearings (OATH) didn't say there was no discrimination because some bloggers alleged that white ladies suffered a similar fate at some different point in time—the single instance that occurred to those ladies when it occurred was enough for OATH to find discrimination.

More on the evidence front, Velez tries to absolve Amnesia of its responsibility for discriminating against Den Hollander and his buddy by claiming “upon information and belief,” which means Velez is speculating, that the doorman who required a bottle purchase for the two to enter was an independent contractor. (Ex. A, *Order* at p. Uno). Let's assume he was. Amnesia can then be liable for discrimination by the doorman if in carrying out his duties, the doorman discriminated. N.Y.C. Admin. Code § 8-107(13)(c). No problem there, the guy hired by Amnesia as gatekeeper for its bacchanal refused to let the two in without agreeing to buy a \$350 bottle. But there's more, Amnesia also had to know that the doorman was discriminating. Velez provides no information or evidence one way or the other because he again failed to use the City HR power to gather evidence. Looks like there's a pattern here of shortcuts and nonfeasance by this bureaucrat.

There are three people who know exactly what happened on January 9, 2010, when Den Hollander and his buddy tried to gain admission to Amnesia: Den Hollander, his friend, and the doorman, David L.N.U. Velez has Den Hollander's sworn statement but he never bothered to contact Den Hollander's friend, and, apparently, never tracked down the doorman. Doesn't it seem strange that of the three persons with firsthand knowledge, Velez ignores two of them and disses the third?

The likely reason Velez did not contact Den Hollander's buddy is that Velez would not have been able to discredit him as he tried with Den Hollander. Den Hollander's friend graduated Yale Law School, is a one per center, and very liberal having been a Democratic State Committeeman on the Upper Westside for decades. No, Velez could not use the same tactics against him as he did Den Hollander. As for the doorman, perhaps Velez never contacted him out of sloth, or he did contact him and the doorman confirmed Den Hollander's accusation—who knows?

Velez, as is typical in these non-Truman days, also tries to pass the buck to Den Hollander for the unavailability of what Velez considers the key evidence of what occurred on the night in question—Amnesia's alleged video surveillance of the club on the outside. Velez blames Den Hollander for the absence of this video because he did not file his complaint within 30 days of the incident which would have prevented the self-erasing of the video "every 30 days." (Ex. A, *Order* at p. Cuatro). The City's Human Rights law requires that any complaint be filed within three years of when the discrimination occurred. *Alimo v. Off Track Betting Corp.* 685 N.Y.S.2d 180 (A.D. 1 Dept. 1999). Velez, however, has unilaterally reduced that to 30 days or however long a nightclub's surveillance tape lasts.

In one case, *Dept. of Correction v. Whitehead*, OATH Index No. 1152/97 (October 10, 1997), no adverse inference was drawn because complainant was responsible for loss of interview tapes of witnesses, since the witnesses were still available. All three witnesses to the discrimination in this case are available, but Velez chooses to ignore two in favor of a non-existent silent video. Velez's argument is simply an excuse to rule against a person that he stereotypically classifies into groups for which he harbors animosity.

Let's assume, however, that this alleged surveillance tape could trump the eyewitness testimonies of Den Hollander, his friend, and the doorman. What would the tape show at night outside by Amnesia's front door? Two young people approach the doorman, there's some discussion and he looks at something they give him, which he gives back to them, and they enter the door. Did the doorman require them to buy a bottle and they agreed? Don't know because there's no audio. Den Hollander and his friend approach the doorman, there's some discussion and the two step out of line. Were they told to step out of line because the doorman required them to buy a bottle and they refused? Don't know because there's no audio. Then two young people approach the doorman, there's some discussion and he looks at something they give him, which he gives back to them, and they enter the door. Did the doorman require them to buy a bottle and they agreed? Don't know because we're in the silent era. Not much good for determining what actually occurred, but Velez doesn't care, since he reached his conclusion the day Den Hollander visited the City HR to request it do what it is supposed to.

Velez not only ignores the evidentiary requirements that must be met in the City HR's investigations of discrimination, but he plays fast and loose with the truth. Velez intentionally misrepresents that in the complaint filed with the New York State Division of Human Rights, Den Hollander "submitted a sworn statement that he was denied access to Respondent Amnesia

unless he purchased a bottle of alcohol, and **the reason for the denial was because he was a male.**” (Ex. A, *Order* at p. Dos (emphasis added)). That is intentionally misleading. The complaint says “I **believe** I was discriminated against because of my: sex.” (Ex. B, *State Human Rights Complaint*, at p. 4 (emphasis added)). Hey, that’s a big difference, and as it turns out Den Hollander’s belief was wrong. In addition, if age discrimination by nightclubs was not outside the State Human Rights Division’s jurisdiction, Den Hollander would have been able to amend his complaint to include age discrimination.

Velez, unlike any court or administrative agency, requires that once pleadings are submitted and regardless of jurisdiction, the pleadings are written in stone and can never be amended no matter what facts are subsequently revealed. That is contrary to the very purpose of courts and administrative agencies liberally allowing amendments to complaints in order to further justice. Velez’s argument harkens back to the 19th century when “the pretrial functions of notice-giving, issue formulation, and fact revelation were performed primarily, and inadequately, by the pleadings,” *Hickman v. Taylor*, 329 U.S. 495, 500 (1947), and “pleading was a game of skill in which one misstep by counsel may be decisive to the outcome,” *Conley v. Gibson*, 355 U.S. 41, 48 (1957).

While the State Human Rights Division found that Den Hollander and his friend were not discriminated against because of their sex—which is rather surprising given Amnesia’s approval for the nightclub’s promoter to advertise that ladies are admitted free until 1 am while gentlemen must pay, a violation of N.Y.C. Admin. Code § 8-107(4), Ex. C, Amnesia Advertisements—the State made clear that Den Hollander and his friend were discriminated against probably because of their age. (Ex. D. *State Determination and Order After Investigation* at p. 2).

Among the requirements of the State Human Rights Division's Investigative Procedure are that "[t]he investigation of the complaint is to be objective" and "[r]esolve issues of questionable jurisdiction." (Ex. E, *Information for Complaints* at pp. 1-2). So the State made an objective investigation that concluded the State could not do anything because age discrimination in public accommodations was outside its jurisdiction:

"Based on observations made during the field visit, the vast majority of the patrons of the nightclub [Amnesia] appeared to be under the age of 30 years. Respondent [Amnesia] asserts that, when the nightclub is crowded, respondent employs an admissions strategy to limit the number of individuals, male and female, who do not have the appearance respondent desires to maintain the image of the nightclub. A photo on complainant's website suggests that he is significantly older than respondent's patrons, and age discrimination is beyond the jurisdiction of the Division with regards to public accommodation."

(Ex. D, *State Determination and Order After Investigation* at p. 2, second full paragraph).

In order to discredit this finding by another human rights agency, Velez unilaterally rules that the State Human Rights Division limited its investigation to "observation[s] on the patrons who were actually inside the club, and not those who were waiting outside [in] the club's line and denied entrance." (Ex. A, *Order* at p. Dos). That is false. The State specifically states that its investigation included observing the people in line as well as inside the club. (Ex. D, *State Determination and Order After Investigation* at p. 2).

Relying on this misrepresentation, Velez is able to say, "Because [Den Hollander's] allegations specifically refer to those waiting on line [Velez prevaricates here by leaving out those who "enter the club," Ex. F, Verified Complaint ¶ 4], the [State's] observation of the customers inside the club have relatively little weight." (Ex. A, *Order* at p. Dos).

So what Clintonesque tactic is Velez using here? Here's a couple of analogies that might make it clear.

Suppose you're black and try to get into a club in the South, but the bouncers won't let you in. The following weekend, your best buddy, an Aryan white, gets into the club no problem and later tells you the only people inside were those eligible for membership in the Hitler youth. What would you think? Would it be reasonable—yes, especially in light of the facts that you were denied admission and the South has a reputation for discrimination. Velez would rule your inference illogical.

Here's another analogy. You and your buddy stumble out of the Copacabana at three in the morning. He's going uptown and you're heading south. He's black, you're white. He tries to hail a cab but can't. The vacant cabs keep zipping by. You step out into the uptown lane, raise your hand and a cab immediately stops. So, why did the other cabs pass your buddy by? According to Velez, it was just coincidence.

Velez also intentionally misrepresents when he wrote, "If in fact [Den Hollander] believed he was also being discriminated against because of his age, [he] could have come to" the City HR immediately. (Ex. A, *Order* at p. Dos). No, Den Hollander did not initially believe Amnesia had discriminated against him over age. Den Hollander made it clear during the initial interview with a City HR attorney that he never thought about age discrimination until he read the State's decision.

In addition to Velez's manifest prejudice, falsehoods, prevarications, and dissembling, he does actually make a legal argument that the City HR is jurisdictionally barred from handling the complaint of age discrimination against Amnesia. He's wrong, of course, but the reasons require some preliminary explanations.

The City's Human Rights Law says that "[a]ny person **aggrieved** by an unlawful

discriminatory practice” can file a complaint. N.Y.C. Admin. Code § 8-109(a)(emphasis added). An unlawful discriminatory practice means subjecting a person to different treatment that denies him the advantages, privileges, and facilities of a public accommodation because of his race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation **or** alienage or citizenship status” N.Y.C. Admin. Code § 8-107(4)(a)(emphasis added).

The “or” means that discriminating against a person for say “alienage,” is one unlawful discriminatory practice and discriminating against a person for say “color” is another separate unlawful discriminatory practice. The person discriminated against because of his alienage is “aggrieved,” he is wronged, which means he has a grievance, usually referred to legally as a “cause of action” because he was denied something others weren’t due to his alienage. A person discriminated against because of his color also has a grievance, a cause of action, because he was denied something due to his skin hue. The two grievances, causes of action, are not the same. One was motivated by ill will toward a person’s alienage while the other was motivated by ill will toward a person’s color. Now it gets really complicated, at least for Velez. What if the same person is discriminated against for both his alienage and color on the same occasion at the same time? Does he have one grievance, one cause of action, or two?

Every first year law student knows the answer—the person has two causes of action or two grievances stemming from the one incident. For Velez’s sake, perhaps an example will help. Velez steps into a British telephone booth and ends up in Atlanta, Georgia in front of the Pickrick Restaurant in 1964. Velez tries to enter the restaurant but is met by Lester Maddox brandishing a handgun and axe handle. Maddox, an avowed bigot toward people with darker skin color and apparent aliens refuses to admit Velez. Does Velez have one cause of action, one

grievance, against Maddox or two? He has two because Maddox discriminated against him on the basis of color and alienage.

According to Black's Law Dictionary, "grievance" means "an injury, injustice, or wrong that gives ground for a complaint." Without the violation of a right there is no wrong and no complaint, so the violation of a right, no matter what the factual circumstances, is the requirement. The U.S. Supreme Court ruled "[a] cause of action does not consist of facts, but of the unlawful violation of a right which the facts show." *Baltimore S.S. Co. v. Phillips*, 274 U.S. 316, 321 (1927). When the "violations of two individual rights have occurred," even though "both violations spring from a common fact, a single occurrence" there are two injuries, not one. *Herrmann v. Braniff Airways, Inc.*, 308 F.Supp. 1094, 1099-1100 (S.D.N.Y. 1969).

Velez, however, believes he has only one cause of action, or grievance, because only one incident occurred. Maddox kept him out of the restaurant with the threat of violence only once, although Maddox violated the law twice in doing so—color discrimination and alienage discrimination. Velez used this mistaken view, and used it in an intentionally deceptive manner, to rule that because Den Hollander had filed a complaint with the State Human Rights Division on a cause of action for what was believed to be sex discrimination, he could not file a complaint with the City HR based on age discrimination.

Here's how Velez carried out his deception. He used N.Y. Executive Law § 279(9) and the following cases: *Emil v. Dewey*, 49 N.Y.2d 968 (1980); *Bhagalia v. State*, 644 N.Y.S.2d 398 (A.D. 3 Dept. 1996); *Benjamin v. N.Y.C. Dept. of Health*, 2007 WL 3226958 at *5 (A.D. 2 Dept. 1994); *Rosario v. N.Y.C. Dept. of Education*, 2011 U.S. Dist LEXIS 41177 at *4 (S.D.N.Y. 2011). (Ex. A, *Order* at p. Tres). N.Y. Executive Law § 279(9) and these cases say that a person

alleging discrimination has a choice: he can either go to court or file a complaint with a human rights agency, but not both.

Den Hollander initially filed a complaint with the State Human Rights Division, but when its decision pointed out the discrimination was likely based on age, over which it had no jurisdiction; Den Hollander immediately made an appointment with the City HR to begin the procedure of bringing a complaint for age discrimination. There has been no court involvement in this matter, so the statute and cases relied on by Velez do not apply. Court proceedings and administrative law proceedings are not the same in America, perhaps in Switzerland, but not here. As a former drug prosecutor Velez clearly knows the difference, so why did he try to hide it—bigotry.

Administrative and judicial remedies are mutually exclusive. *Benjamin v. N.Y.C. Dept. of Health*, 2002 WL 485731*4 (S.D.N.Y.). The law doesn't allow a person to first file a discriminatory complaint with a government agency and then file a similar complaint with a court based on the same fact situation by bringing a plenary action because it's a waste of government resources. It makes no sense to have an administrative agency working on a complaint and then a court working on basically the same complaint. This is especially true, since the decision of the administrative agency can always be appealed to a court of law, so there's still an avenue to the courts when a person chooses to start with an agency.

The situation here is fundamentally different. Den Hollander did not first complain to the State Human Rights Division then start a plenary action in a court of law. He'll get there soon enough once the City HR denies this appeal. Den Hollander proceeded from the State Human Rights Division to the City HR because the City has jurisdiction over age discrimination by a public accommodation while the State does not. If Velez's argument is allowed to stand that

Exec. Law § 279(9) also prevents different causes of actions stemming from the same fact situation to be filed with the City HR, then when a person's complaint is dismissed because the State lacks jurisdiction, he is left without any recourse and the bigots win. He cannot go to the City HR, which has jurisdiction, because he already filed a complaint with the State. He cannot go to court because of Exec. Law § 279(9), and an appeal of the lack of jurisdiction decision would go nowhere because the court would uphold such a decision.

There are certain situations in which the person discriminated against is caught without a remedy by Velez's invented rule. A person complains to the State about discrimination by a public accommodation because of race, creed, color, national origin, sex, disability, marital status, sexual orientation, or military status, but the State dismisses the complaint because it finds the discrimination was based on age, partnership status, alienage, or citizenship and the State has no jurisdiction over those. N.Y. Exec. Law § 296(2)(a). Or a person complains to the City HR about discrimination by a public accommodation because of race, creed, color, national origin, age, sex, disability, marital status, partnership status, sexual orientation, alienage, or citizenship, but the City dismisses the complaint because it finds the discrimination was based on military status and the City HR has no jurisdiction over that. N.Y.C. Admin. Code 8-107(4).

Velez next slips in his own definition for "grievance" as not meaning an unlawful discriminatory practice but the actual incident, the fact situation, that gave rise to the discrimination. He has to change the legal meaning of grievance, or cause of action, in order to rely on a section of the City's Human Rights Law. N.Y.C. Admin. Code §8-109(f)(iii) says that after the State Human Rights Division makes a decision on a "grievance," the City HR cannot make a decision on the "same grievance."

Back to Lester Maddox. If Georgia had the same laws as New York and Velez files a complaint for color discrimination with that state's Human Rights Division and it dismisses the complaint but indicates the discrimination was based on alienage instead, over which it has no jurisdiction, under Velez's invented definition for "grievance" as the fact situation itself rather than a cause of action, he could not file a complaint with Atlanta's Human Rights Commission. He's out of luck and the bigots win—again.

Fortunately that's not the law, or is it for those members of currently disfavored groups? So when Amnesia refused to let Den Hollander and his friend enter the club unless they paid \$350 for a bottle, that occurrence gave rise to two potential injuries, injustices, or wrongs: unlawful sex and unlawful age discrimination. The State Human Rights Division made a final determination only on the sex discrimination grievance, which left the age discrimination grievance undecided.

The City HR, therefore, has jurisdiction over the age discrimination cause of action because Velez was wrong in ruling that once a complaint is filed with an agency concerning a fact situation, no other complaint alleging different grievances, or different causes of action, can ever be filed concerning the same fact situation with another government agency, even when the first agency did not have jurisdiction over the new grievance, or the new cause of action.

New York City Administrative Code §§ 8-109(f)(iii) does not bar the Complaint because it deals with the same act and/or occurrence, in fact, § 8-109(f)(iii) does not say anything about the same act and/or occurrence.

REMEDIES

Den Hollander requests that the New York City Commission on Human Rights implement in its operations anti-discrimination policies that prevent unlawful discriminatory acts

by its employees against Euro-Americans of protestant ancestry, divorced husbands, and any man who chooses to fight for his rights by suing and petitioning the government for a redress of grievances. In addition, the Executive Director for Law Enforcement of the City HR be required to undergo sensitivity training to mitigate or at least enable him to control his prejudice toward Euro-Americans of protestant ancestry, divorced husbands, and men who choose not to meekly submit to feminist and political correctionalist ideology. Finally, the Commission make available to Den Hollander the factual documentation in its investigatory file concerning this case pursuant to 47 RCNY § 1-34 and reverse the Executive Director’s finding of “no probable cause.” A notice of claim has been filed with the N.Y.C. Corporation Counsel.

CONCLUSION

The City Commission on Human Rights exists because “there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences” N.Y.C. Admin. Code § 8-101. Rather than lessening that danger, the Executive Director for Law Enforcement of the City HR has stoked the ambers.

Dated: August 17, 2012
New York, N.Y.

/S/

Roy Den Hollander
Appellant-Complainant
545 East 14 St., 10D
New York, NY 10009
(917) 687 0652

Exhibit A

DETERMINATION AND ORDER AFTER INVESTIGATION

CITY OF NEW YORK
COMMISSION ON HUMAN RIGHTS

In the Matter of the Complaint of:

ROY DEN HOLLANDER,

Complainant,

-against-

Complaint No: M-P-A-11-1024266

AMNESIA J.V. LLC, and DAVID
"L.N.U.,"

Respondents.

On October 22, 2010, Roy Den Hollander ("Complainant") filed a Verified Complaint ("Complaint") with the New York City Commission on Human Rights ("Commission") charging Amnesia J.V. LLC ("Amnesia"), and David "L.N.U." (collectively, "Respondents") with discriminatory practices, in violation of Title 8 of the Administrative Code of the City of New York ("Code").

Respondents deny the allegations of discrimination.

After investigation, the Commission has determined that there is NO PROBABLE CAUSE to believe that Respondents engaged in the unlawful discriminatory practices alleged.

Complaint

Complainant, who is 63 years old, alleges that Respondents discriminated against him based upon his age by subjecting him to disparate treatment, and thus denying him the advantages, privileges and facilities of a public accommodation. Respondent Amnesia is a nightclub in New York City. Upon information and belief, Respondent David "L.N.U." was not employed by Respondent Amnesia, and instead was hired by a different company as a Promoter.

Complainant alleges that on or about January 9, 2010, at approximately 11:05 PM, he and his friend, who is in his 60's, stood on a line in front of Respondent Amnesia in order to gain access into its nightclub. Complainant further alleges that he and his friend witnessed two individuals in front of them, who appeared to be in their 20's and/or 30's, approach Respondent David "L.N.U.," who checked their identification and then allowed them to enter the club. Complainant alleges that when he and his friend approached Respondent David "L.N.U.," Respondent David "L.N.U." told them that they must agree to buy a bottle of alcohol for \$350 in order to enter the club.

Complainant further alleges that he and his friend declined and stepped out of the line. Complainant further alleges that he and his friend then witnessed another pair of individuals, who appeared to be in their 20's and/or 30's, enter the club without having to buy a bottle of alcohol for \$350.

Discussion

New York State Division of Human Rights Complaint

Complainant filed a gender discrimination complaint shortly after his visit to Respondent Amnesia on January 9, 2010, with the New York State Division of Human Rights ("NYSDHR"). Specifically, he submitted a sworn statement that he was denied access to Respondent Amnesia unless he purchased a bottle of alcohol, and the reason for the denial was because he was male. Specifically, in his NYSDHR complaint, Complainant stated that he stood online with his male friend, and that the two women in front of them were allowed to enter the club without agreeing to purchase a bottle of alcohol for \$350, yet he and his male friend were required to buy a bottle as a condition of entry.

After its investigation, the NYSDHR found no probable cause to believe discrimination occurred by Respondent on the basis of Complainant's gender. In its decision, the NYSDHR wrote, however, that "Based on the observations made during the field visit, the vast majority of the patrons of the nightclub appeared to be under the age of 30 years. Respondent asserts that, when the nightclub is crowded, respondent employs an admissions strategy to limit the number of individuals, male and female, who do not have the appearance respondent desires to maintain the image of the nightclub." The NYSDHR appears to base this observation on the patrons who were actually inside the club, and not those who were waiting outside the club's line and denied entrance. The investigator from the NYSDHR does not state any observations in his determination regarding the ages of the patrons waiting on line to gain admission. Because Complainant's allegations specifically refer to those waiting on line, the NYSDHR's observations of the customers inside the club have relatively little weight.

Although the NYSDHR expressed these observations, the statements had no effect on its decision, because New York State's Executive Law does not cover age discrimination in public accommodations.

New York City Commission on Human Rights Complaint

After receiving the NYSDHR decision indicating that the majority of admitted patrons on the date of their visit "appeared to be under the age of 30 years," Complainant decided to come to the Commission to file a complaint of discrimination based upon age on October 22, 2010. Complainant's allegations in the NYSDHR case and in the instant Complaint are virtually identical, only substituting the reason for his denial of entrance from gender to age. If in fact Complainant believed he was also being discriminated against because of his age, Complainant could have come to the Commission instead of the NYSDHR immediately after the initial denial of entry.

Election of Remedies

Complainant is jurisdictionally barred from bringing the Complaint because of his prior filing with the NYSDHR on the same facts and circumstances as the instant matter. New York Executive Law § 297(9) states that any person with a discrimination complaint has a cause of action “in any court of appropriate jurisdiction for damages and such other remedies as may be appropriate, *unless* such person has filed a complaint” with the NYSDHR (emphasis added). The New York Court of Appeals interpreted New York Executive Law § 297(9) as precluding a subsequent action that is “based upon the same incident” as the Agency complaint. *Emil v. Dewey*, 49 N.Y. 2d 968, 968 (1980). The NYSDHR’s only statutory exception to this election of remedies jurisdictional bar is when the State Human Rights Law claim is dismissed on the grounds of “administrative convenience,” “untimeliness” or when the “election of remedies is annulled.” N.Y. Exec. L. § 297(9).

Similarly, Section 8-109(f)(iii) of the Administrative Code of the City of New York specifies that the Commission does not have jurisdiction where, “The complainant has previously filed a complaint with the State Division of Human Rights alleging an unlawful discriminatory practice... with respect to the *same grievance which is the subject of the complaint* under this chapter and a final determination has been made thereon” (emphasis added). A Complainant cannot avoid the election of remedies bar by changing the legal theory of relief relied upon, or split claims, if they all arise out of the same course of conduct. *Bhagalia v. State*, 228 A.D.2d 882, 883 (N.Y. App. Div., 3rd Dept., 1996); *see also* *Benjamin v. New York City Dept. of Health*, 2007 WL 3226958 at *5 (N.Y. App. Div., 2nd Dept. 1994); *Rosario v. New York City Dept. of Education*, 2011 U.S. Dist. LEXIS 41177 at * 4 (S.D.N.Y. 2011).

In this case, Complainant previously filed a complaint with the NYSDHR alleging gender discrimination because a nightclub refused him entry unless he purchase bottle service, and the NYSDHR issued a “no probable cause” final determination in the matter. Complainant then came to the Commission and filed an age discrimination complaint on the exact same facts. The Commission, therefore, does not have jurisdiction in this matter because Complainant already elected his remedy with the NYSDHR.

The Commission’s Investigation

Complainant is a self-professed advocate for men’s rights who identifies himself as an “anti-feminist lawyer” on his website, www.roydenhollander.com. He has filed a number of lawsuits against bars and clubs that have “Ladies Nights,” and admits in several online publications that he is “bitter” from an ex-wife who used him for his US citizenship and money. Complainant’s description of himself is consistent with his pattern of filing several gender discrimination suits.

Complainant’s delay in filing the Complaint with the Commission rendered the Commission unable to secure tape surveillance of the night in question. It is the Commission’s practice in these types of cases to seek video surveillance when aggrieved individuals come to the Commission almost immediately after the alleged discriminatory conduct, just as

Complainant did in filing his initial gender discrimination case with the NYSDHR on January 9, 2010. Complainant filed the Commission Complaint over nine months after the incident occurred, thereby effectively denying the Commission the ability to compel Respondents to preserve its surveillance video, which Respondents state self-erases every 30 days.

Notwithstanding the above, circumstantial evidence exists to show that Respondent Amnesia also required younger individuals to purchase a bottle of alcohol in or around the date Complainant visited the club on January 9, 2010. Patrons of Respondent Amnesia can post reviews of its club on yelp.com, a website that provides reviews for restaurants, bars, and other establishments in New York City and other locations in the country.¹ On April 25, 2010, just over three months after Complainant visited the club, an alleged patron of Respondent Amnesia, whom based on her posted picture appears to be in her 20's or 30's, expressed her frustration on yelp.com about the difficulty in gaining entry into the club, stating, "... of course the only way to get in was if we bought bottles." This comment was posted four months after Complainant filed his NYSDHR case, which was dismissed, and five months before he filed his case with the Commission.

Another reviewer and alleged patron, who also appears to be in her 20's or 30's based on her posted picture, stated on yelp.com on December 11, 2009, "Different groups were dancing and lining up at the downstairs bar, people in their 20's, 30's, 40's. Interesting and eclectic crowd..." Based on the above-described comments regarding younger people being asked to purchase bottle service, it is more probable than not that Respondents did not discriminate against Complainant based upon his age.

As noted above, the Commission is barred from making a determination this case because Complainant filed a prior discrimination complaint concerning the same incident with the NYSDHR. Irrespective of this conclusion, because Commission was unable to obtain the surveillance video of the incident in question, and online postings from club patrons who appear to be in their 20's and 30's state that were required to buy bottle service in order to gain entry around the date Complainant visited Respondent Amnesia, the Commission cannot establish by a preponderance of the evidence that Respondents required Complainant to purchase bottle service to gain access to the club due to his age. The Complaint, therefore, is hereby dismissed.

NO FURTHER TEXT ON THIS PAGE

¹ The Commission realizes that it could not interview any of these individuals but nevertheless finds the postings probative.

Complainant may apply for review by filing a request in writing within thirty (30) days after the date of the mailing of this order. The application should be addressed to the Office of the Chairperson, New York City Commission on Human Rights, 40 Rector Street, 10th Floor, New York, NY 10006, Attn: NPC Appeals. Please state reasons for applying for review.

DATED: New York, New York
July 27, 2012

CITY COMMISSION ON HUMAN RIGHTS

BY:  Carlos Velez
Executive Director
Law Enforcement Bureau

NOTICE TO:

Roy Den Hollander
545 East 14th Street, Apt .10D
New York, NY 10009

Counsel for Respondents:
Roger Griesmeyer
LaSasso Griesmeyer Law Group PLLC
80 Maiden Lane, Suite 2205
New York, NY 10038

Exhibit B



New York State Division of Human Rights Complaint Form

CONTACT INFORMATION

My contact information:

Name: Roy Den Hollander
 Address: 545 East 14 St Apt or Floor #: 10 D
 City: NY State: NY Zip: 10009

REGULATED AREAS

I believe I was discriminated against in the area of:

- | | | |
|---|--|---|
| <input type="checkbox"/> Employment | <input type="checkbox"/> Education | <input type="checkbox"/> Volunteer firefighting |
| <input type="checkbox"/> Apprentice Training | <input type="checkbox"/> Boycotting/Blacklisting | <input type="checkbox"/> Credit |
| <input checked="" type="checkbox"/> Public Accommodations <i>(Restaurants, stores, hotels, movie theaters amusement parks, etc.)</i> | <input type="checkbox"/> Housing | <input type="checkbox"/> Labor Union, Employment Agencies |
| <input type="checkbox"/> Commercial Space | | |

I am filing a complaint against:

Company or Other Name: Amnesia TV LLC
 Address: 609 W 29 St
 City: NY State: NY Zip: 10001
 Telephone Number: 212 725 1025
(area code)

Individual people who discriminated against me:

Name: David Name: _____
 Title: Door monitor Title: _____

DATE OF DISCRIMINATION

The most recent act of discrimination happened on: 1 / 9 / 10
month day year

BASIS OF DISCRIMINATION

Please tell us why you were discriminated against by checking one or more of the boxes below.



You do not need to provide information for every type of discrimination on this list. Before you check a box, make sure you are checking it only if you believe it was a reason for the discrimination. Please look at the list on Page 1 for an explanation of each type of discrimination.

Please note: Some types of discrimination on this list do not apply to all of the regulated areas listed on Page 3. (For example, Conviction Record applies only to Employment and Credit complaints, and Familial Status is a basis only in Housing and Credit complaints). These exceptions are listed next to the types of discrimination below.

I believe I was discriminated against because of my:

| | |
|--|--|
| <input type="checkbox"/> Age <i>(Does not apply to Public Accommodations)</i> Date of Birth: | <input type="checkbox"/> Genetic Predisposition <i>(Employment only)</i> Please specify: |
| <input type="checkbox"/> Arrest Record <i>(Only for Employment, Licensing, and Credit)</i> Please specify: | <input type="checkbox"/> Marital Status Please specify: |
| <input type="checkbox"/> Conviction Record <i>(Employment and Credit only)</i> Please specify: | <input type="checkbox"/> Military Status: Please specify: |
| <input type="checkbox"/> Creed / Religion Please specify: | <input type="checkbox"/> National Origin Please specify: |
| <input type="checkbox"/> Disability Please specify: | <input type="checkbox"/> Race/Color or Ethnicity Please specify: |
| <input type="checkbox"/> Domestic Violence Victim Status: <i>(Employment only)</i> Please specify: | <input checked="" type="checkbox"/> Sex Please specify: <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Familial Status <i>(Housing and Credit only)</i> Please specify: | <input type="checkbox"/> Sexual Orientation Please specify: |
| <input type="checkbox"/> Retaliation Please specify: | |



Before you turn to the next page, please check this list to make sure that you provided information *only* for the type of discrimination that relates to your complaint.

DESCRIPTION OF DISCRIMINATION - for all complaints (Public Accommodation, Employment, Education, Housing, and all other regulated areas listed on Page 3)

Please tell us more about each act of discrimination that you provided information about on Pages 3 and 4. Please include dates, names of people involved, and explain why you think it was discriminatory. PLEASE TYPE OR PRINT CLEARLY.

On Saturday, January 9, 2010, at approximately 11:05 PM, a friend and I, both males, tried to enter the nightclub called Amnesia but were refused admittance unless we bought a bottle for \$350.

We had been standing in a line with two ladies in front of us. The ladies were allowed to enter without agreeing to purchase a bottle inside for \$350. We, however, were told by an individual named David that to enter the club, we would have to buy a bottle inside for \$350. We declined, and he told us to step out of the line, which we did. We stood on the side of the line as a couple of groups of ladies entered without having to agree to buy a bottle for \$350.

NOTARIZATION OF THE COMPLAINT

Based on the information contained in this form, I charge the above-named Respondent with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment), or filing my housing/credit complaint with HUD under Title VIII of the Federal Fair Housing Act, as amended (covers acts of discrimination in housing), as applicable. This complaint will protect your rights under Federal Law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law and/or to accept this complaint on behalf of the U.S. Department of Housing and Urban Development for review and additional filing by them, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

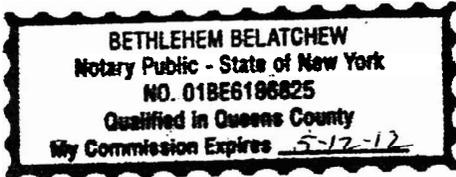
Roy R. Heller

Sign your full legal name

Subscribed and sworn before me
This 10 day of JANUARY, 2010

Bethlehem B.
Signature of Notary Public

County: *Queens* Commission expires: *5-12-12*



Please note: Once this form is notarized and returned to the Division, it becomes a legal document and an official complaint with the Division of Human rights. After the Division accepts your complaint, this form will be sent to the company or person(s) whom you are accusing of discrimination.

Exhibit C

Ladies Free til 1am this Friday at Amnesia



Amnesia 609 W 29th St Between 11th & 12 Av

This Friday August 3 at Amnesia

- Dj: ENUFF / QUIZ Playing the best in Top 40s & Hip Hop & latin
- Doors open 11pm / 21 & Over Event
- Dress code: -Casual but Trendy
- Ladies Free til 1am on the Pace Guest list
- Gents Reduce til 1am on the Pace Guest list
- To get on the Pace Guest list for Amnesia [Click Here](#)

PACE PARTIES THIS WEEKEND - JULY, 2012

Glow Stick Party this Friday at Amnesia

Amnesia 609 W 29th St Between 11th & 12 Av

This Friday July 20 at Amnesia

- **Dj: BIG BEN & BRINKA** Playing the best in Top 40s & Hip Hop & latin
- Doors open 11pm / 21 & Over Event
- Dress code: -Casual but Trendy
- **Ladies Free til 1am** on the Pace Guest list
- **Gents Reduce til 1am** on the Pace Guest list
- To get on the Pace Guest list for Amnesia [Click Here](#)

Exhibit D



DAVID A. PATERSON
GOVERNOR

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of
ROY DEN HOLLANDER, ESQ.,
Complainant,
v.
AMNESIA J.V. LLC,
Respondent.

DETERMINATION AND
ORDER AFTER
INVESTIGATION

Case No.
10138862

On 1/13/2010, Roy Den Hollander, Esq. filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to public accommodation because of sex in violation of N.Y. Exec. Law, art. 15 (Human Rights Law).

After investigation, and following opportunity for review of related information and evidence by the named parties, the Division has determined that there is NO PROBABLE CAUSE to believe that the respondent has engaged in or is engaging in the unlawful discriminatory practice complained of. This determination is based on the following:

The record is not supportive of complainant's allegations of sex discrimination.

Complainant, who is male, alleges that he was required to purchase a \$350.00 bottle of alcohol in order to gain entry into respondent's nightclub, while women were not required to make this purchase to enter.

The record suggests, however, that respondent required complainant to purchase a bottle for the non-discriminatory reasons of limited space and the goal of furthering the image of

respondent's establishment. There is a lack of evidence that respondent's treatment of complainant was based on his sex.

During the course of the investigation, a field visit to respondent's nightclub was made by a male Division investigator accompanied by a male. Both males and females were observed gaining admission to respondent's nightclub in approximately equal proportion. The investigator did not observe respondent's staff asking males or females to purchase bottles of alcohol to gain admission, despite the fact that there were long lines for admission to the club. Although respondent required the male investigator to pay a \$30 cover charge, the investigator observed one of respondent's employees informing others, including females, that they would have to pay the \$30 cover charge to gain admission. Once inside the nightclub, the investigator observed males and females in roughly equal proportion. Although there were several tables for individual bottle service throughout the nightclub, the investigator did not see any patrons, male or female, sitting at these tables.

Based on observations made during the field visit, the vast majority of the patrons of the nightclub appeared to be under the age of 30 years. Respondent asserts that, when the nightclub is crowded, respondent employs an admissions strategy to limit the number of individuals, male and female, who do not have the appearance respondent desires to maintain the image of the nightclub. A photo on complainant's website suggests that he is significantly older than respondent's patrons, and age discrimination is beyond the jurisdiction of the Division with regards to public accommodation.

Our investigation failed to uncover sufficient evidence to establish a causal nexus between respondent's treatment of complainant and his sex. The record does not support a determination of probable cause in this case.

The complaint is therefore ordered dismissed and the file is closed.

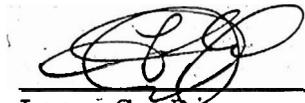
PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx,

New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION
WITH THE STATE DIVISION OF HUMAN RIGHTS.

Dated: **SEP 16 2010**
New York, New York

STATE DIVISION OF HUMAN RIGHTS

By:



Leon C. Dimaya
Regional Director

Exhibit E



NEW YORK STATE
DIVISION OF HUMAN RIGHTS
20 EXCHANGE PLACE, 2ND FLOOR
NEW YORK, NEW YORK 10005

(212) 480-2522
Fax: (212) 480-0143
www.dhr.state.ny.us

DAVID A. PATERSON
GOVERNOR

GALEN D. KIRKLAND
COMMISSIONER

INFORMATION FOR COMPLAINANTS
CONCERNING COMPLAINT PROCEDURES OF
NEW YORK STATE DIVISION OF HUMAN RIGHTS

The New York State Division of Human Rights is a State agency mandated to receive, investigate and resolve complaints of discrimination under N.Y. Executive Law, Article 15 ("Human Rights Law"). The Division's role is to fairly and thoroughly investigate the allegations in light of all evidence gathered.

YOUR RIGHTS AND RESPONSIBILITIES AS A COMPLAINANT

You have a right to obtain a private attorney at any time, but you are not required to do so.

- If you experience any further conduct by the Respondent that you believe is discriminatory, or is in retaliation for filing your complaint, you should immediately report it to the Division of Human Rights.
- You must notify the Division of any change in your address or telephone number. If the Division cannot contact you, we may not be able to proceed with your case. Inability to locate you will result in the eventual administrative dismissal of your case.

Your complaint may voluntarily be withdrawn in writing by you at any time. The withdrawal form must be signed by you or your attorney (original or fax will be accepted). A withdrawal form may be obtained from the Division.

- Conciliation or settlement is possible at all points in the proceeding, and the Division may provide assistance with conciliation or settlement at the request of any party.
- You, or your attorney, may review the Division's file in this matter, and may copy by hand any material in the file, or obtain photocopies at a nominal charge. The Respondent in this matter has the same right to review the file.

WHAT IS THE INVESTIGATIVE PROCEDURE?

The Division represents neither the Complainant nor the Respondent. The Division pursues the State's interest in the proper resolution of the matter in accordance with the Human Rights Law. Upon receipt of a complaint, the regional office will:

- Notify the Respondent(s). (A Respondent is a person or entity about whose action the Complainant complains.)
- Resolve issues of questionable jurisdiction.

- Forward a copy of the complaint to the U.S. Equal Employment Opportunity Commission (EEOC) or the U.S. Department of Housing and Urban Development (HUD), where applicable. Such federal filing creates a complaint separate and apart from the complaint filed with the Division, and protects your rights under federal law, although in most cases only one investigation is conducted pursuant to work-sharing agreements with these federal agencies.
- Investigate the complaint through appropriate methods (written inquiry, field investigation, witness interviews, requests for documents, investigatory conference, etc.), in the discretion of the Regional Director. The investigation of the complaint is to be objective.
- Allow the parties to settle the matter by reaching agreement on terms acceptable to the Complainant, Respondent and the Division. The Division will allow settlement from the time of filing until the matter reaches a final resolution.
- Determine whether or not there is probable cause to believe that an act of discrimination has occurred, if the matter cannot be settled prior to that Determination. The Division will notify the Complainant and Respondent in writing of the Determination.

WHAT IS THE DIVISION'S POLICY ON ADJOURNMENTS AND EXTENSIONS?

It is the Division's policy to investigate all cases promptly and expeditiously. Therefore, you are expected to cooperate with the investigation fully and promptly. No deadlines will be extended at any time during the investigation, unless good cause is shown in a written application submitted at least five (5) calendar days prior to the original deadline.

WHAT IS THE PROCEDURE FOLLOWING THE INVESTIGATION?

If there is a Determination of no probable cause, lack of jurisdiction, or any other type of dismissal of the case, the Complainant may appeal to the State Supreme Court within 60 days.

If the Determination is one of probable cause, there is no appeal to court. The case then proceeds to public hearing before an Administrative Law Judge. Under Rule 465.20 (9 N.Y.C.R.R. § 465.20), the Respondent may ask the Commissioner of Human Rights within 60 days of the finding of probable cause to review the finding of probable cause.

WHAT IS A PUBLIC HEARING?

A public hearing, pursuant to the Human Rights Law, is a trial-like proceeding at which relevant evidence is placed in the hearing record. It is a hearing de novo, which means that the Commissioner's final decision on the case is based solely on the content of the hearing record. The public hearing is presided over by an Administrative Law Judge, and a verbatim transcript is made of the proceedings.

The hearing may last one or more days, not always consecutive. Parties are notified of all hearing sessions in advance, and the case may be adjourned to a later date only for good cause.

The Complainant can retain private counsel for the hearing, but is not required to do so. If Complainant is not represented by private counsel, the Division's counsel prosecutes the case in support of the complaint. Respondent can retain private counsel for the hearing, and, if Respondent is a corporation, is required to be represented by legal counsel. Attorneys for the parties or for the Division may issue subpoenas for documents and to compel the presence of witnesses.

INFORMATION FOR COMPLAINANTS
CONCERNING COMPLAINT PROCEDURES OF THE NYS DIVISION OF HUMAN RIGHTS

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At the conclusion of the hearing sessions, a proposed Order is prepared by the Administrative Law Judge and is sent to the parties for comment.

A final Order is issued by the Commissioner. The Commissioner either dismisses the complaint or finds discrimination. If discrimination is found, Respondent will be ordered to cease and desist and take appropriate action, such as reinstatement, training of staff, or provision of reasonable accommodation of disability. The Division may award money damages to Complainant, including back pay and compensatory damages for mental pain and suffering, and in the case of housing discrimination, punitive damages, attorney's fees and civil fines and penalties. A Commissioner's Order may be appealed by either party to the State Supreme Court within 60 days. Orders after hearing are transferred by the lower court to the Appellate Division for review.

WHAT IS A COMPLIANCE INVESTIGATION?

The compliance investigation unit verifies whether the Respondent has complied with the provisions of the Commissioner's Order. If the Respondent has not complied, enforcement proceedings in court may be brought by the Division.

NOTICE PURSUANT TO PERSONAL PRIVACY PROTECTION LAW

Pursuant to the Human Rights Law, the Division collects certain personal information from individuals filing complaints and from those against whom a complaint has been filed. The information is necessary to conduct a proper investigation; failure to provide such information could impair the Division's ability to properly investigate the matter. This information is maintained in a computerized Case Management System maintained by the Division's Director of Information Technology, who is located at One Fordham Plaza, Bronx, New York, (718) 741-8365.

GENERAL INFORMATION

For a more detailed explanation of the process, see the Division's Rules of Practice (9 N.Y.C.R.R. § 465) available on our website www.dhr.state.ny.us. If you have any additional questions about the process, the investigator assigned to the case will be available to answer most questions.

Exhibit F

In the Matter of the Complaint of:

ROY DEN HOLLANDER,

Complainant,

- against -

AMNESIA J.V. LLC, and David "L.N.U.,"

Respondents.

Verified Complaint

Roy Den Hollander, complaining of Respondents, alleges as follows:

1. Complainant Roy Den Hollander is 63 years old. His address is 545 East 14th Street, Apt. 10D, New York, New York 10009.
2. Respondent Amnesia J.V. LLC ("Amnesia") is a place or provider of a public accommodation as defined by Section 8-102 of the Administrative Code of the City of New York. Its address is Attn: Legal Department, 609 West 29th Street, New York, New York 10001.
3. Respondent David "L.N.U." is employed by Respondent Amnesia as a Security Guard. His address is c/o Amnesia J.V. LLC, Attn: Legal Department, 609 West 29th Street, New York, New York 10001.
4. On or about January 9, 2010, at approximately 11:05 PM, Complainant and his friend, who is in his 60's, stood on a line in front of Respondent Amnesia in order to gain access into its nightclub. Complainant and his friend witnessed two individuals in front of them, who appeared to be in their 20's and/or 30's, approach Respondent David "L.N.U.," who checked their identification and then allowed them to enter the club. When Complainant and his friend approached Respondent David "L.N.U.," Respondent David "L.N.U." told them that they must agree to buy a bottle of alcohol for \$350 in order to enter the club. Complainant and his friend declined and stepped out of the line. Complainant and his friend then witnessed another pair of individuals, who appeared to be in their 20's and/or 30's, enter the club without having to agree to buy a bottle of alcohol for \$350.

**THE CITY OF NEW YORK
COMMISSION ON HUMAN RIGHTS**

-----x
In The Matter of the Complaint of

ROY DEN HOLLANDER,

Complainant,

- against -

AMNESIA J.V. LLC., and DAVID "L.N.U.",

Respondents.
-----x

**DETERMINATION AND ORDER
AFTER REVIEW**

Complainant No.: M-P-A-11-1024266

GC No.: 12-901N

Complainant requests review of the Administrative Closure dismissing the above-captioned complaint.

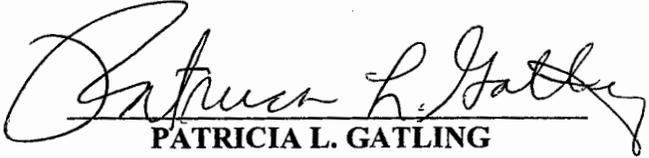
In considering complainant's request, I have reviewed the following: the complaint; the answer; comments from all parties (if submitted); the Notice of Administrative Closure; and complainant's request for review.

Upon review of these materials, I hereby affirm the Administrative Closure dismissing the complaint.

Pursuant to Section 8-123(h) of Title 8 of the Administrative Code of the City of New York, complainant has thirty (30) days after service of this Order to seek review in the New York State Supreme Court.

Dated: New York, New York
January 11, 2013

**IT IS SO ORDERED
NEW YORK CITY COMMISSION
ON HUMAN RIGHTS**


PATRICIA L. GATLING
Commissioner/Chair

To:

Roy Den Hollander
Attorney at Law
545 East 14th Street, #10D
New York, New York 10009

Roger Griesmeyer
LaSasso Griesmeyer Law Group PLLC
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