

NEW JERSEY DEPARTMENT OF LAW & PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL
NEW JERSEY DIVISION ON CIVIL RIGHTS
DOCKET NUMBERS:

ER02WB-65876
ER02NB-65669
ER02NB-66200
ER02NB-66197
ER02NB-66199
ER02NB-65668
ER02NB-66196

M. A., D. Alcantara, G. Cisneros,
C. Cuenca, F. Coron De La Rosa,
M. Guzman, and G. Urbina

Complainants,

v.

Alexus Clifton, Inc. d/b/a Alexis
Steakhouse and Tavern and John Magliaro,
as an individual,

Respondents.

CONSENT ORDER

Pursuant to the authority granted to the Director of the New Jersey Division on Civil Rights (the "Director") by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. (the "LAD"), and with the consent of Complainants M. A., D. Alcantara, G. Cisneros, C. Cuenca, F. Coron De La Rosa, M. Guzman, and G. Urbina ("Complainants"), who, between October 14, 2015 and September 12, 2016, each filed a Verified Complaint (bearing separate docket numbers as listed above) alleging employment discrimination against Alexis Clifton, Inc. d/b/a Alexis Steakhouse and Tavern ("Alexus Steakhouse" or "Respondent") and former Alexis Steakhouse manager John

Magliaro as an individual,¹ with the New Jersey Division on Civil Rights (the "Division"), the Director has agreed with the parties to resolve all issues in controversy in this matter on the terms set forth in this Consent Order. Without admitting any of the allegations set forth in each Verified Complaint (collectively the "Verified Complaints"), or in the Finding of Probable Cause crediting the allegations of D. Alcantara on July 7, 2016, the Finding of Probable Cause crediting the allegations of M. Guzman on July 7, 2016, or the Finding of Probable Cause crediting the allegations of M. A. on July 19, 2016 (collectively the "Findings of Probable Cause"), and for the purpose of avoiding litigation, Alexis Steakhouse consents to the form and entry of this Consent Order.

IT IS, THEREFORE, ON THIS 16th DAY OF OCT 2017, ORDERED AND AGREED:

LAD COMPLIANCE AND POLICY

1. Respondent agrees that all employment decisions and policies affecting persons employed in New Jersey shall comply in full with the LAD and that all employment decision making will be conducted in a nondiscriminatory manner. Further, and as to all persons employed in New Jersey, Respondent agrees not to implement any policy or practice having the purpose or effect of discrimination on the basis of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, sexual orientation, genetic information, sex, gender identity or expression, disability, atypical hereditary cellular or blood trait, liability for service in the Armed Forces of the United States, nationality, or pregnancy.

¹ Respondent John Magliaro has not appeared in this matter. All appearing parties being satisfied with the resolution herein and giving consent to its terms, the Director hereby dismisses each Verified Complaint against John Magliaro as an individual without prejudice, pursuant to the provisions of N.J.A.C. 13:4-6.1(a)3.

2. Within fifteen (15) days of the date this Consent Order is fully executed, Respondent agrees to provide written verification to the Division of a workplace anti-harassment/anti-discrimination policy (the "Policy") that includes: (a) terms addressing harassment on the basis of race, sex, and national origin; (b) nondiscrimination in all terms of employment; (c) the procedure and contact person(s) should any individual employed by Respondent choose to make an internal complaint alleging a violation of the Policy; and (d) information regarding each individual employee's right to pursue a complaint alleging violation of state or federal laws prohibiting discrimination and harassment without first making an internal complaint to Respondent. The Policy will be written in both English and Spanish. A copy of the Policy will be delivered to Deputy Attorney General Megan Harris, New Jersey Department of Law & Public Safety, 124 Halsey Street, 5th Floor, Newark, NJ 07101. Respondent will conspicuously post both the English and Spanish versions of the Policy at the dining and catering facility located at 955 Valley Road, Clifton, New Jersey 07013. A copy of the English and Spanish versions of the Policy will also be available upon request by any employee.

TRAINING

3. Within thirty (30) days of the date this Consent Order is fully executed, Respondent agrees to arrange for all employees, including all managers and administrative personnel, who work in or have responsibility for the operations of Alexis Steakhouse, to attend training on the LAD and the provisions of the Policy. At minimum, training on the Policy will address (a) harassment on the basis of race, sex, and national origin; (b) nondiscrimination in all terms of employment; (c) the procedure and contact person(s) should any individual employed by Respondent choose to make an internal complaint alleging a violation of the Policy; and (d) information regarding each individual

employee's right to pursue a complaint alleging violation of state or federal laws prohibiting discrimination and harassment without first making an internal complaint to Respondent. Each person in attendance at the training will receive a copy of the Policy and sign a form acknowledging attendance at the training session and receipt of the Policy. A copy of the signed acknowledgment form will be placed in each attendee's personnel file.

4. Notice of the training session (or each session if more than one is necessary) described above and a copy of any training materials to be used shall be submitted at least ten (10) days in advance of the session to Deputy Attorney General Megan Harris, New Jersey Department of Law & Public Safety, 124 Halsey Street, 5th Floor, Newark, NJ 07101.

PAYMENT AND SUSPENDED PENALTY

5. Respondent agrees to pay Complainants the total amount of eighty-thousand dollars (\$80,000.00) in resolution of the allegations of employment discrimination set forth in each Verified Complaint. The schedule of payments is set forth in the attached "Schedule A." No later than October 16, 2017, Respondent will deliver the first payment of ten-thousand dollars (\$10,000.00), divided into seven, separate checks as set forth in Schedule A. Respondent will complete all payments, reflecting a total sum of \$80,000.00, no later than July 1, 2020. No monthly payment set forth in Schedule A will be decreased or delayed without the consent of all parties to this Consent Order. Failure to make a scheduled payment in full and on time, without having obtained the consent of all parties, will constitute a material default on this agreement.

6. Unless notice is given in writing to Respondent otherwise, all payments and checks described above will be delivered to counsel for the New Jersey Division on Civil Rights (the "Division") Deputy Attorney General Megan Harris, New Jersey Department of Law & Public

Safety, 124 Halsey Street, 5th Floor, Newark, NJ 07101, for forwarding to Complainants. Notice given pursuant to this paragraph, which will be limited to the proper recipient and delivery address for payments, may be sent to counsel for Respondent and directly to Respondent at 755 Valley Road, Clifton, New Jersey 07013 or the last known address of any of Respondent's principals.

7. If Respondent materially defaults on or violates any provision of this Consent Order addressing the Policy or its commitment to training on the LAD and the Policy, or if within three (3) years from the date this Consent Order and Final Judgment is fully executed, Respondent receives an additional, adverse investigative finding from the Division as the result of an alleged violation of the LAD, Respondent will be liable to the Division for a penalty of thirty-thousand dollars (\$30,000.00) in this action, pursuant to the penalties authorized at N.J.S.A. 10:5-14.1a, which amount will be in addition to the payment of \$80,000.00 to Complainants as set forth above, and will not affect the Division's right to pursue remedies as a result of the subsequent investigative finding. Upon notice to Respondent from the Division, the penalty will be collectible as a provision of this agreement. If after expiration of a three-year period, Respondent has complied with all terms of this Consent Order addressing the Policy or its commitment to training on the LAD and the Policy, and has not received a subsequent, adverse investigative finding from the Division as the result of an alleged violation of the LAD, the suspended penalty will be vacated by operation of this provision.

GENERAL PROVISIONS

8. Upon execution by all parties, this Consent Order shall operate as a complete and final disposition of the allegations against Alexis Steakhouse contained in the seven (7) Verified Complaints referenced above, subject only to the fulfillment of all provisions of this Consent Order. Upon fulfillment of those provisions, all allegations against Alexis Steakhouse are dismissed with

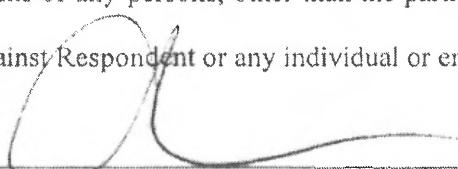
prejudice. Upon fulfillment of all provisions of this Consent Order, Alexis Steakhouse owner Kitae Kim is released from all claims related to the allegations of the Verified Complaints and Findings of Probable Cause that may be brought by the parties to this Consent Order.

9. Respondent agrees to refrain from taking retaliatory action against any complainant or other person who, in any way, participated in the investigation or litigation of this matter.

10. Should Respondent fail to timely make the payment set forth in this Consent Order, Respondent shall pay, in addition to interest on the award, all reasonable costs and expenses incurred in any further proceedings or steps necessary to collect or enforce the respective agreements herein and awarded by a court of competent jurisdiction.

11. New Jersey Law shall govern the enforcement of this Consent Order.

12. Nothing in this Consent Order shall in any manner be construed to limit or affect the rights of any persons, other than the parties to this agreement and order, who may have a claim against Respondent or any individual or entity involved in this matter.



Craig Sashihara
Director, New Jersey Division on Civil Rights

RESPONDENT HEREBY CONSENTS TO THE FORM, CONTENT, AND ENTRY OF THIS ORDER:

ALEXUS CLIFTON, INC. d/b/a ALEXUS STEAKHOUSE AND TAVERN

Signature: _____

Print name: _____

Dated: _____



Kitae Kim

Sept 27, 2017

COMPLAINANTS HEREBY CONSENT TO THE FORM, CONTENT, AND ENTRY OF THIS ORDEI

M. A.

Signature: _____

Dated: 10/12/17

D. ALCANTARA

Signature: _____

Dated: 10-6-2017

G. CISNEROS

Signature: _____

Dated: 10-6-2017

F. CORON DE LA ROSA

Signature: _____

Dated: 10-6-2017

C. CUENCA

Signature: _____

Dated: 10-6-17

M. GUZMAN

Signature: _____

Dated: 10-6-2017

G. URBINA

Signature: _____

Dated: 10-6-17