

EUGENE VOLOKH

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STATE DIVISION OF HUMAN RIGHTS
STATE OF NEW YORK : EXECUTIVE DEPARTMENT

STATE DIVISION OF HUMAN RIGHTS
on the Complaint of

Willie J. Trotman, President,
NAACP OF SPRING VALLEY
Complainant

v.

THE BEN GILMAN SPRING VALLEY MEDICAL &
DENTAL CLINIC; MENDEL HOFFMAN AND,
SHARON MILNER, AIDERS & ABETTORS
Respondents

VERIFIED COMPLAINT
Pursuant to Executive
Law, Article 15

Case No.
10113077

I, Willie J. Trotman, President, NAACP of Spring Valley, P.O. Box 156, Spring Valley, NY, 10977, charge the above named respondents, whose address is 175 Route 59, Spring Valley, NY, 10977 with an unlawful discriminatory practice relating to public accommodation in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of creed, race/color.

Date most recent or continuing discrimination took place is 5/11/2006.

The particulars are:

1. NAACP is a Civil rights organization that promotes the interests of our members, fights for equal rights and promotes the diversity.
2. Many of our members who seek help from the respondents have various medical conditions, which make them disabled within the meaning of the Human Rights law.
3. Upon information and belief, the respondents opened the Ben Gilman clinic to better serve ~~to~~ the community by offering a convenient place where patients, from Village of Spring Valley and the neighborhood areas, can get immediate Medical and Dental help without a long wait.
4. The respondents receive funding from various governmental sources to operate the clinic.

EXECUTIVE OFFICE

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5. The respondents admit that their patients comprise of predominantly people of color whereas about 10% can be classified as white patients however recent census show that the population of Village of Spring Valley consists of nearly 38% Whites.

6. The respondents also admit that the number of patients is growing every single month from March of 2005.

7. The respondents close the clinic on every Saturday of the week on which days many of our members would like to visit doctors for non-emergency medical issues.

8. In a conciliatory meeting initiated, as a good-faith efforts to reasonably accommodate all religious beliefs, by the Commission on Human Rights, at the office of the Mayor of Spring Valley, on or about August 24, 2005, the above named aiders and abettors agreed to explore all possible ways to open the clinic on Saturdays.

9. In the above-mentioned meeting, Mr. Hoffman also agreed to maintain a diversified staff and offer diversity training to all its employees, which they have now ignored and fail to train its own staff with diversity and tolerance education.

10. Upon information and belief that the respondents treat the employees who believe in Hasidic Judaism more favorably than all other employees, in a similarly situated manner, which gives rise to an inference of discrimination.

11. In a letter to the Commissioner of Human Rights, Mr. Mendel Hoffman, President and CEO of the clinic, indicated that they couldn't open the clinic as he did not get permission from his rabbinic authority.

12. The above named aiders and abettors clearly invoke their own religion to discriminate the patients who practice any religion other than Hasidic Judaism, which is in violation of NYS Human Rights Law by (a) engaging in disparate treatment of people who believe in a religion other than Hasidic Judaism and (b) failing to accommodate other religious beliefs.

13. The members of NAACP clearly recognize the rights of both Mr. Hoffman and Ms. Milner to practice their own religious beliefs.

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14. The willful closing of the clinic on Saturdays serves no other business purpose than to impose the extremity of their own religious beliefs in Hasidic Judaism on the community it serves which consists of predominantly African Americans and Hispanics.

15. The Ben Gilman Clinic agreed, during the above-mentioned meeting organized by the Commissioner of Human Rights, to hire a diverse staff to accommodate the people of color and make it convenient to the working class that lives of the Spring Valley area community.

16. The actions of the respondents stifle our efforts towards the equality, diversity, and religious freedom to encourage tolerance in our society.

17. By following the customs as set by rabbinic authority, the respondents are intentionally targeting the Christian employees and patients in general and in particular.

18. While the above named aiders and abettors have the right to follow their own moral values but they should not use their beliefs as a platform to promote religion on the members of our organization.

19. The respondents also operate another medical clinic in Monsey, NY, which is also closed on Saturdays.

20. Upon information and belief, we understand that the African American patients who regularly attend the Monsey clinic are transferred to the Spring Valley clinic without the express consent of the patients. The respondents are transferring such African American patients so that they can segregate all the African American patients and will be assigned to the Spring Valley Clinic whereas the Monsey Clinic will only serve the "White" or "Jewish" patients.

21. Segregation of patients based on their race/color is a clear violation of NYS Human Rights law.


Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to public accommodation because of creed, race/color, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

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I have not commenced 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.



Willie J. Trotman, President,
NAACP of Spring Valley

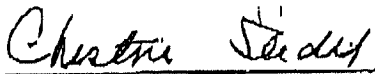
STATE OF NEW YORK)
COUNTY OF) SS:

Willie J. Trotman, President, NAACP of Spring Valley, being duly
sworn, deposes and says: that he/she is the complainant herein;
that he/she has read (or had read to him or her) the foregoing
complaint and knows the content thereof; that the same is true
of his/her own knowledge except as to the matters therein stated
on information and belief; and that as to those matters, he/she
believes the same to be true.



Willie J. Trotman, President,
NAACP of Spring Valley

Subscribed and sworn to
before me this *2nd* day
of *August*, 2006



Signature of Notary Public

CHRISTINE SEIDEL
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ROCKLAND COUNTY
LIC. NO. 015E4562038
COMM. EXP. NOVEMBER 30, 20 *09*