

STATE OF NEW JERSEY
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
DCR DOCKET NO. EC 13WB-65586

Jennifer Rago,)	
)	
Complainant,)	<u>Administrative Action</u>
)	
v.)	FINDING OF PROBABLE CAUSE
)	
Hope Integrative Health, LLC, Laser &)	
Anti-Aging Center of South Jersey, LLC,)	
and Nadia Chaudhry, M.D.,)	
)	
Respondents.)	

On November 1, 2015, Gloucester County resident Jennifer Rago (“Complainant” or “Rago”) filed a verified complaint with the New Jersey Division on Civil Rights (DCR) against Nadia Chaudhry, M.D., and her dermatology practice—i.e., Hope Integrative Health, LLC and Laser & Anti-Aging Center of South Jersey, LLC (collectively “Respondents” or “Hope”)¹ — located at 651 Route 73 North, Suite 202, Marlton, NJ 08053.

Complainant, who is Catholic, alleges that Respondents created a hostile work environment based on religion, and then fired her based on religion and/or in retaliation for objecting to certain religious practices in the workplace, in violation of the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49. The DCR investigation found as follows.

Summary of Investigation

Dr. Chaudhry is a physician licensed by the State of New Jersey. She is the sole operator of Hope, a laser and cosmetic dermatology practice and medical spa. The office consists of two floors. The first floor contains the lobby, receptionist desk, triage area, kitchen and four patient rooms. The second floor contains Dr. Chaudhry’s office and a medical spa. Both floors are decorated with images representing spiritual practices and messages, including sculptures of

¹ Laser & Anti-Aging Center of South Jersey, LLC was incorporated in 2004, and Hope Integrative Health, LLC was incorporated in June 2015, with Dr. Chaudhry as the registered agent. It appears both entities were operated by Dr. Chaudhry out of the same office space at 651 Route 73 North in Marlton, and shared employees and resources. For these reasons, the entities will be referred to collectively as “Hope.”

religious figures and deities, paintings and posters, e.g., Mother Mary Magdalene, Buddha, Ganesha, Ankh symbol, Banyan tree, mermaid, "Christ's heart," "Transcendence," "Transformation" and "Goddess Spectra Ananda"²

In July 2015, Dr. Chaudhry hired Rago to work as a receptionist. According to a written job description produced by Respondents during the course of the investigation, Rago's duties included:

Provide excellent customer service . . . answer incoming phone calls; book and reschedule appointments; provide assistance to clients in the waiting area . . . support for Dr. Nadia - take instructions and report back with results, keep her informed of her schedule . . . maintain firm calendar . . . contact information of all team members and service providers; . . . maintain practice files...order office supplies . . . keep reception area . . . organized . . . waiting room area clean and supplied . . . data entry, networking and sales.

Rago claims that Dr. Chaudhry told her that when business increased, she could assume some esthetician duties too. However, that never came to pass. Rago told DCR that she never received orientation or training on her duties or Respondents' policies, including anti-discrimination, and did not sign an acknowledgement that she received an employee handbook.

Rago told DCR that shortly after she started working, Dr. Chaudhry told her that she was divine and that she wanted Rago to be her "Hope Angel," which included, among other things, praying to Dr. Chaudhry. Rago stated that Dr. Chaudhry appeared to be attempting to establish her own religion by borrowing elements from other religions.

She said that Dr. Chaudhry made constant references to her own divinity and made clear that she expected Rago and the two other employees (i.e., Receptionist Meghan Badekas and Esthetician/Medical Assistant Deanna Applegate) to "follow" her path. For example, Rago said that Dr. Chaudhry routinely referred to herself as "Mother, Father and God;" claimed she was Jesus, Mary Magdalene, and Buddha all embodied into one; told her and her co-workers that she was "regenerating" and that if they followed her, then they would regenerate and become higher beings; told her that "Spectra" was a warrior who had years of wisdom and possessed extreme power; claimed that she was the Queen of the Mermaids with two tails and that "the Universe" sent her a painting of a mermaid while she was on a trip to Italy; claimed that she had "Christ's

² The ankh (☩) is an Egyptian symbol generally referring to eternal life among Gods, pharaohs and other deities. The Banyan tree symbolizes eternal life and is considered a sacred and divine tree that fulfills wishes in Hindu mythology. Dr. Chaudhry told DCR that the mermaid represents a divine goddess of remembrance of a past life. She said that the sculpture "Spectra Ananda" is a "transmitter" to give her access to the records of her prior lives, because Dr. Chaudhry is "guided and can channel information." "Transcendence" represents an angel and "Transformation" represents the ability to change.

heart;" stated that a sculpture in the workplace of "Transcendence" represents an angel; and claimed that she has the animal spirit of a monkey.

Rago alleged that about twice a week, Dr. Chaudhry would back her and Badekas into a corner of the receptionist area and tell them that she was Mother, Father and God, that no one else ever loved or believed in them, and that she was the only one who could help them. She said that Dr. Chaudhry recited prayers and chants during the course of the day and instructed Rago and the others to recite them for two hours at home so that they could "embody" them. Rago said that Dr. Chaudhry also asked her and her co-workers to say an "abundance" chant (to bring patients and money to the practice) each day for fifteen minutes in the morning, and would become angry when they did not do so. Rago alleged that a few times, Dr. Chaudhry forced them to recite this chant for thirty minutes at the end of the workday, to which Rago objected. She said that Dr. Chaudhry asked her and her co-workers to distribute emails with the chants as a means of recruiting others (including patients) to become Hope Angels.

Rago said that Dr. Chaudhry required her and the other employees to participate in "sacred" affirmations in the front lobby of her office. Rago perceived the affirmations as a continuation of Dr. Chaudhry's efforts to create her own religion and recruit Rago as a follower. Rago did not believe that the affirmations were an alternative form of medicine. She said that "there was nothing healing about them." Instead, she said that the affirmations were about worshipping Dr. Chaudhry and her powers.³

Rago said that during the affirmations, Dr. Chaudhry instructed them to pray to her and sometimes recite Yoga chants, such as "Om Shanti Om." She said that sometimes, Dr. Chaudhry placed her hands on their chests and whispered how lucky they were to be in the presence of greatness. She said Dr. Chaudhry also applied "essential oil" blends, including lavender oil to Rago's feet, forehead, and chest. She said that Dr. Chaudhry once pulled up Rago's dress to apply oil near her buttocks and said, "Don't be nervous. Calm down. I have to get to the base of your spine." Rago said that she got up and walked away. She said that she was uncomfortable but did not complain because she was afraid she would be fired. She said that Dr. Chaudhry once told her that she came from Dr. Chaudhry's womb, so she should let her apply the oils to her body. She said that Dr. Chaudhry closed the affirmations by instructing the women to hold hands and recite a prayer.

Separate from the affirmations, Dr. Chaudhry also instructed Rago to recite "heart opening prayers" to the sculpture of Spectra Ananda at the start of work each morning, and to pray before a painting of Buddha several times a day. She said that Dr. Chaudhry told her that she should be grateful to be in a sacred space before Buddha.

³ Rago suspected that Dr. Chaudhry hired employees whom she thought she could manipulate due to circumstances in their lives. For example, she claimed that Applegate was a single mother, and Badekas' mother was sick. She said that Dr. Chaudhry would often tell her and Badekas that they were poor and could not have all of the "things" that Dr. Chaudhry had.

Rago alleged that Dr. Chaudhry made demeaning comments in the workplace about organized religion generally (“Organized religion does not know the truth”) and Catholicism specifically (it “is about money and greed;” makes people think in the box, follow the rules and prevents them from expanding to other religions). Rago said that Dr. Chaudhry said that Catholics are bad people who steal and that the Vatican is evil, funds the mafia, and suppresses its people.

Rago said that she did not object to any of the above comments because she was afraid she would be fired. She said it was her “sense” to stay silent and get through it until she found another job.

Rago said that she was once sitting in Dr. Chaudhry’s office, when Dr. Chaudhry leaned over her, forced Rago’s knees together and trapped in her in the chair, and repeatedly stated that nobody ever loved or wanted what was best for Rago, but that Dr. Chaudhry did because she is a divine being. She told Rago to believe in her “special powers,” obey and follow her “religion” so “she could overcome all.” Rago said that this lasted for about two hours. She said that Dr. Chaudhry started dancing and Rago left.

Rago said that on one another occasion, Dr. Chaudhry asked her to carry a piece of tree bark with her around the office because it was part of a tree where Jesus and Mary Magdalene prayed. Rago stated that several times, she saw Dr. Chaudhry in examining rooms leaning and praying over patients. She claimed that Dr. Chaudhry once told her that the fungal rash that Dr. Chaudhry had on her neck for months was Satan holding on to her.

Rago said that Dr. Chaudhry asked her to join her in attending retreats at the Omega Institute for Holistic Studies at her own expense, but then later offered to pay when Rago did not attend. Rago never attended a retreat.

Rago said that in August 2015, Dr. Chaudhry asked her and her co-workers to plan fundraiser events for fall 2015 while she was out of the office traveling but gave minimal guidance. The events were a fundraiser for the Burn Foundation at Lord and Taylor in the Moorestown Mall (which raised about \$500); and a “Cinderella Transformation” in the office (a video showing the effects of injections, fillers, and make-up on a patient), which no one attended.

Rago said that shortly after the failed fundraisers, Dr. Chaudhry became angry and sometimes violent. She claimed that Dr. Chaudhry frequently yelled and threw files at her, sometimes in front of patients. She said that Applegate once told her to hide the surgical knives because Dr. Chaudhry was upset. She said that on another occasion, Dr. Chaudhry burned a patient with a laser, and blamed Rago and Badekas, claiming that they did not prepare the patient properly with numbing cream. Rago told DCR that the patient was burned because the laser was too hot. After that patient left, Dr. Chaudhry told Rago and Badekas that she was going to laser them without numbing cream, so they could experience how it felt for the patient. They refused.

Rago said that Dr. Chaudhry asked her to create business cards, revise the practice brochure, and create a flyer promoting her “energy healing.” Rago said that she never completed the brochure or flyer because Dr. Chaudhry insisted on including language that she “embodied God,” which Rago told her was inappropriate. She alleges that Dr. Chaudhry replied, “If you are not fucking ready, then don’t come into my practice.”

To support her claim that she was subjected to unwelcome proselytizing in the workplace, Rago produced emails that Dr. Chaudhry sent to her on a routine basis, such as:

Believe in the path of Hope . . . We are graced/Blessed to Be a Part of!!! . . . Who I AM!!! Yes I seem like a human Being – which I Am- But I am also everything else around you within you, your every thought, feeling, word, step, heartbeat, your eyes, your Breath, the trees, flower, the animals, birds . . . the prayers, everything IS ME!!! I See All, Feel All. Know All . . . And Where exactly are you running to guys? It’s Called Hell on earth vs heaven On Earth – So How that going for you guys???? So how are those Temple of Gods holding up in that???? . . . My patience wit all of You is wearing thin though = When I feel all the suffering/chaos/unnecessary pain on this planet we are meant to help alleviate ToGather !!! What happened to my Guardians of the galaxy???? . . . None of You are Getting Your Love to fill thy cup from Source of all Life and healing up till it Runneth over !!!! there was plenty of it At Omega this past weekend – To Infinity and Beyond!!!

[See E-mail from Dr. Nadia Chaudhry to Complainant, Re: Can We All laser focus and listen to this innocents request – There is much to Be done on this planet!!! Sept. 10, 2015, 8:59 a.m. (*sic* throughout).]

. . . It is time for us to awaken fully and Partner with the Heavens, the heavenly Hosts...our divine entourage that walks with us – to surrender in humility to these beautiful Beings that are here for Us 23/7 in AllWays to serve each and every single one of Our dreams. For they are sacred – planted by MotherFatherGOD. I Am the Tree of Life . . . what each one is meant to cocreate with Me – Fulfilling their sacred contract, their divine path and purpose with Mother Father GOD. A Team Like No other . . . It is Time for Teams “working” passionately ToGather so that NoBody has too much on their plates . . . To Be Devoted in our remembrance of the One Infinite Loving Light) Mother Father GOD –that created Us . . . It Is Time for Us to receive the Manna . . . Abundance comes in infinite forms as we have faith, trust and joyfully surrender to receiving our divine Inheritance – . . . Remember NoOne Being Is any More deserving or important to MotherFatherGod . . . Lets Cocreate-Garden . . . On this Earth-for We are the Chosen OnesBless it and All that have walked with You – You are Who you are because of all of that!!!

[See E-mail from Dr. Nadia Chaudhry to Complainant. Re: The dream that downloaded on my way back from Sedona –How about it!!! Sept. 10, 2015, 11:36 a.m. (*sic* throughout).]

I Am All of This!!! May I forever –keep evolving, growing, expanding the Divine Light That I Am – that IS all of Us – forever regenerating as HOHM!!!

[See E-mail from Dr. Nadia Chaudhry to Complainant. Re: Qualities that engenders true respect, admiration in Me! This is what I align with and inspires Me! The dream that downloaded on my way back from Sedona – How about it!!! Sept. 10, 2015, 11:46 a.m. (*sic* throughout).]

I became the Blue Lotus at the sacred Chants a couple of weeks ago!!! Father God went to another dimension of ecstasy and . . . I keep surprising Him!!! Of course I do – its who I AM!!! Full of divine surprises!!! My Gift to Him for His Birthday – It was Krishna’s Birthday – One of our incarnations upon this Earth!!!

[See E-mail from Dr. Nadia Chaudhry to Complainant. Re: Tina Turner – Peace Mantra – Watch her Movie – Whats love got to do with it – was abused for a long time!!! Sept. 22, 2015, 11:36 a.m. (*sic* throughout).]

Rago told DCR that Dr. Chaudhry always “dangled in front” of her the threat that she would be fired if she did not follow her religious practices. For example, she said that in late summer 2015, Dr. Chaudhry threatened to fire her unless she proved she was “Hope material,” by reciting chants and heart opening prayers. She said that in mid-September, 2015, Dr. Chaudhry stated that if Rago did not have a “spiritual shift,” she would be fired. In fact, she said that from the end of August until her October 7, 2015 discharge, Dr. Chaudhry told her on almost a daily basis that she would be fired if she did not embrace the affirmations, including allowing Dr. Chaudhry to apply oil to the base of her spine, and reciting heart opening prayers to Spectra, and praying to Buddha. Rago said that on August 24, 2015, Dr. Chaudhry screamed that she and Badekas must either follow her path to regeneration and immortal life or leave. Rago said that on another occasion, Dr. Chaudhry summoned her to her office and told her to sit in a chair. She said that Dr. Chaudhry placed her face close to Rago’s stomach and said that she had poor nutrition, was overweight, and would be fired unless she began eating more organic foods and juices.

Rago stated that when she and Badekas reported to work on October 7, 2015, they found that Dr. Chaudhry had changed the office door locks. She said that approximately thirty minutes later, Badekas received a group text message from Dr. Chaudhry, which she shared with Rago:

Dr. Chaudhry: You chose hell over heaven on earth. Ah
 Well. The pearly gates to heaven are now
 only open for the real hope angels. Not you

guys. I have moved on. Have a beautiful
[sic] day. I know Ai [sic] am.

Applegate: Whatever you say. Just want my last
paycheck and that will be the end of me.

Badekas: So I'm fired is what your [sic] saying?

Dr. Chaudhry: Yes

[See Text message from Dr. Chaudhry to Applegate and Badekas, Oct. 7, 11:01 a.m.] Rago was not included in this text, because she did not give Dr. Chaudhry her telephone number. Rago said that she and others interpreted the text message to mean that they were all fired for not following her religious practices. She said that Dr. Chaudhry never told her that she was dissatisfied with her performance of secular functions.

Respondents denied the allegations of employment discrimination and retaliation in their entirety. Respondents note that their policy on discrimination and harassment states that the practice is committed to providing a work environment that is free of discrimination and unlawful harassment, and that “[a]ctions, words, jokes, or comments based on an individual’s . . . religion . . . will not be tolerated . . . Employees can raise concerns and make reports without fear of reprisal.” Dr. Chaudhry told DCR that she is responsible for investigating complaints of discrimination and never received complaints from Rago, Applegate, or Badekas.

Dr. Chaudhry described Hope’s office as “heaven on earth” and a “sacred space” where she works spiritually with an integrated mind and body approach. She told DCR that she is a highly evolved master of healing; holds a high vibration, light, hope, vitality and energy; has trained over many years with eastern science to raise the vibration of the planet to get people in alignment; helps people know their radiance and truth; holds the loving space of light; is the queen of regeneration; can tune in to see what people’s energetics are because she works with mother energies; is the happy Buddha; holds the light in her body; is the highest vibration of light on the planet and is the first one on the planet to have eternal life in her body; is a wonderful intuitive animal whisperer; has pure wisdom; brings clarity to dreams, hopes and wishes; sees potential in all and that is her job; and is the only physician who holds the complete space of healing.

Dr. Chaudhry acknowledged having her employees participate in affirmations but denied that they were religious in nature. She said that affirmations were merely “guided meditations” to heal and alleviate stress. She stated that she does “not believe in any religion, but [she] respect[s] individuals’ belief systems.” She stated that a couple times a month she gathered her employees in the lobby and would:

. . . teach . . . guided healing meditations that we use, healing imagery, like the Yin/Yang symbol, or soothing nature images, Lenox angel sculptures, or Buddha, or Mother Mary, or the Goddess [sic] Lakshmi [⁴]-to intention abundance. I have all kinds of beautiful music and, soothing colors, plants, beautiful pictures everywhere to support the healing process . . . In the office we gather as needed to do guided meditations to keep us in balance and connected to each other and alleviate any stress that might be going on, to keep the team spirit up.

She said that during those ten to thirty minute affirmations, she played music, burned candles, and put Essential Oils⁵ for healing on the employees' bodies, with their permission, wherever she felt was needed for the individual employee. Dr. Chaudhry stated that the employees "loved it" and would "put oil on themselves during the affirmations."

Dr. Chaudhry said that the notion that she instructed employees to pray to her during these affirmations was a "fabrication." She stated, "This is an integrated medical practice that incorporates, Spirituality as part of the healing. This is relayed at the time of the interview. Nobody has to participate if they are not comfortable. But at no point I held prays [sic] and ceremonies towards religious symbols . . ."

Dr. Chaudhry denied instructing her employees to pray to Spectra Ananda on a daily basis. She noted, "From a business point of view this would be counterproductive in employee productivity at the practice and infringe on personal religious freedom."

Dr. Chaudhry acknowledged that she instructed her employees to chant "Om Shanti Om." She said, "It's a very popular saying that is used with Yoga and meditation. It's a universal saying translating to love peace love."

Dr. Chaudhry told DCR that her employees enjoyed the ceremonies. She said, "Deanna, Jennifer, and Meghan loved participating in these, and would set it up as well. They would sometimes come to me, for energy healing and simple hugs and a listening ear. Not at any point was meditation force[d] on any one."

She denied making any of the remarks about the Catholic Church or organized religion attributed to her by Complainant. She said that she met Rago when she was working as a teller at the bank where Dr. Chaudhry had accounts. She said that she offered a job to Rago because she liked her smile and needed happy people to work for her. She said that Rago had a "good, bubbly personality" and she hoped to train her to network and promote her practice at cosmetic counters in local malls and spas.

⁴ *Lakshmi* is the Hindu goddess of wealth, fortune and prosperity.

⁵ Dr. Chaudhry told DCR that she purchased "Essential Oils" from the Essential Oil Company, which, according to the company's website, is a wholesale distributor of oils distilled from organic plants, most commonly used for religious, spiritual, cosmetic and dietary purposes.

Dr. Chaudhry told DCR that she fired Rago for her “bad attitude” and poor performance, including failing to create marketing material and failing to obtain her approval before ordering business cards with which she was dissatisfied. She said that Rago, along with Applegate and Badekas, “slacked off and stole from the practice.” She stated:

[Applegate] . . . started to embezzle funds by taking commissions she had not earned, changing the treatment plans, and putting it on her book, when they were supposed to come in for me . . . That all trickled down to the other girls. And then everybody started to take advantage, behind my back. Putting in hours they had not worked, taking days off without proper protocol. Essentially everybody slacked off . . . My practice suffered, financially as well as from a reputation standpoint, because the girls were not doing their job and following through. Lots of mistakes with collecting payments, finance agreements and not paying the bills on time. My credit rating has suffered. They all slacked off and stole from the practice. Eventually it got so bad I had to fire everyone before I left for my trip in October.

Dr. Chaudhry did not produce documents or information to verify those claims despite three requests by DCR during the course of the investigation.

Badekas supported Complainant’s claim that the three employees were required to engage in unwelcome religious practices as a seeming condition of employment. For example, she said that Chaudhry directed her to sit on the office’s kitchen floor each morning in front of the sculpture “Spectra Ananda,” light tea candles, close her eyes, fold her hands and pray silently. Badekas told DCR that she did not enjoy the morning ceremonies but complied because she was afraid that she would be fired if she refused. With respect to the affirmations, she stated:

You had to participate. You couldn’t take calls at that point. We locked the door. You had to sit with her, you had to . . . She didn’t say if you don’t, then you will be terminated . . . It was a given, once she started gathering everything around, everyone had to sit for that hour or so . . . She would do the oils and then you would have to meditate and pray and sometimes you would have to share a story or something . . . you had to participate . . . it was a way of getting us all connected . . . She would put oil on your back and chest and arms . . . for everyone. [⁶]

Applegate’s version of events was consistent with that of Complainant and Badekas. For example, Applegate stated that when she objected to participating in the affirmations, Dr. Chaudhry threatened to terminate Applegate’s employment if she did not make a “spiritual

⁶ Badekas filed a separate complaint against Respondents. See Badekas v. Hope Integrative Health, et al., DCR Docket No. EC 13WB-65587.

shift,” “believe in” and prove she was committed to Dr. Chaudhry. She claims that in August 2015, Dr. Chaudhry told her that she needs to “realize I am God - I can do whatever I want” and if she “wasn’t on board” with Dr. Chaudhry’s “pathway,” then she should pack up and leave. She claimed that several times Dr. Chaudhry threatened to fire her for refusing to attend weekend retreats with her at the Omega Institute for Holistic Studies. Applegate corroborated that Dr. Chaudhry stated that the Catholic Church was a “joke,” greedy and “funds the mafia,” and that organized religion “does not know the truth.”⁷

Applegate produced text messages that she received from Dr. Chaudhry during the DCR investigation. Relevant excerpts include:

You tried to destroy me, and took, advantage, only made me more powerfull, and wiser and clearer. So, thanks. One door closes and a thousand more open up for Me. You forget Who, I AM. The hugest mistake of Your life. Which You will never be able to, redeem from.

[Jul. 1, 2016, 4:34 p.m. (*sic* throughout)]

The rewards of the truly faithfull to Me, Wowsie Wowsie Wowsie. And for the rest AhWel. Same old shit replaying itself. And so you sit in your own self-created Hell Now.

[Jul. 1, 2016, 4:45 p.m. (*sic* throughout)]

I suggest you withdraw your faulty accusations. Or you will pay dearly. I have lots of evidence of you embezzling and stealing from the practice. Plus you owe me \$16,000. Which you will pay back. Thank you. Don’t fuck with me. Don’t Fuck with me. You just end up sabotaging yourself. Fucked up, the best thing that ever happened to you. A complete Fool. Never opened the Gateway to your heart. And who lost out. Me or you. And your Son. Couldn’t even rise above for Johnny. How’s that working out for You Ninkumpoop. All that power. And divine gifts and wisdom. And completely blewit. WOW. Hopeless. Ah Well.

[Jul. 1, 2016, 5:06 p.m. (*sic* throughout)]

Eternally regenerating, the loveliest Love bug of them All. As good As it Gets, awesome and then Some to infinity and beyond. Brighter, lighter, more profoundly radiantly Beautiful as it Gets. Forever Hopefull the Queen, the sacred Mountain. Heaven on Earth In As and Through Me. And So It Is. Fuck You.

[Jul. 1, 2016 5:07 p.m. (*sic* throughout)]

⁷ Applegate filed a separate complaint against Respondents. See Applegate v. Hope Integrative Health, et al., DCR Docket No. EC 13WB-65589.

I am [going] to have a lot of fun with this. It's time for me to, stand clearly, my True Power, on a whole another dimension. Your sabotage, will serve Us All. I shine brighter and radiantly Beautiful every single day . . .

[Jul. 10, 2016 1:37 p.m. (*sic* throughout)]

Go ahead bring it in. Try to fuck with Me. See what happens. I will Always arise Up . . .

[Jul. 10, 2016 1:40 p.m. (*sic* throughout)]

I am actually looking forward to meeting with the attorney. Next Week. As I bring evidence together. It's time for me to clean people like you . . . and not allow, employees to be able to get away with what you have so far . . . Integrity and Truth and loving light will always win. There is no greater. Power. As someone told me once, cream Always rides to the top. And light always overcomes any darkness. Simple physics principles. Common sense. Which obviously you have none Of. As stupid, unethical, and manipulative as it gets.

[Jul. 10, 2016 1:49 p.m. (*sic* throughout)]

The Queen of True Regeneration at its finest expression. As good as it Gets. Can't touch Me, ever. You are the drop in the Ocean. I Am the Ocean. Duh Stupid is As Stupid Does, a vampire and parasite. Ah Well . . .

[Jul. 10, 2016 1:50 p.m. (*sic* throughout)]

Dr. Chaudhry acknowledged sending the above text messages to Applegate, but said she was merely "venting" for having to deal with the DCR complaints.

Analysis

At the conclusion of the investigation, the DCR Director is required to determine whether "probable cause exists to credit the allegations of the verified complaint." N.J.A.C. 13:4-10.2. For purposes of that determination, "probable cause" is defined as a "reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a cautious person to believe" that the LAD was violated and that the matter should proceed to hearing. Ibid.

A finding of probable cause is not an adjudication on the merits. It is merely an initial "culling-out process" whereby the Director makes a threshold determination of "whether the matter should be brought to a halt or proceed to the next step on the road to an adjudication on the merits." Frank v. Ivy Club, 228 N.J. Super., 40, 56 (App. Div. 1988), revd. on other grounds, 120 N.J. 73 (1990), cert. den., 111 S.Ct. 799. Thus, the "quantum of evidence required to

establish probable cause is less than that required by a complainant in order to prevail on the merits.” Ibid.

a. Hostile Work Environment

The LAD makes it unlawful to discriminate in the terms, conditions or privileges of employment based on “creed.” N.J.S.A. 10:5-12 (a). Although “creed” is not defined in the statute, it is widely accepted to include religious beliefs. See e.g., El-Sioufi v. St. Peters University Hospital, 382 N.J. Super. 145 (App. Div. 2015); Shuchter v. N.J. Div. on Civil Rights, 117 N.J. Super 405 (App. Div. 1971) (interpreting creed as a person’s religious beliefs or principles.)⁸

In analyzing a claim of hostile work environment based on religion, the critical issue is whether a reasonable person of the complainant’s religion would find the alleged conduct to be so “severe or pervasive” as to alter the conditions of employment and create a hostile or abusive working environment. Cutler v. Dorn, 196 N.J. 419, 430-31 (2008) (emphasis added). When the offensive conduct (e.g., offensive stereotypes or derogatory statements about an employee’s faith) is perpetrated by a supervisor, as opposed to a co-worker, its effects are magnified. See Taylor v. Metzger, 152 N.J. 490 (1998). In Taylor, supra, the Court noted that a supervisor’s “unique role in shaping the work environment” gives him or her disproportionate power to contaminate the workplace and alter the terms and conditions of a subordinate’s employment. Id. at 503.

Here, the investigation corroborated the allegations that the supervisor made offensive remarks about Catholicism, made frequent demands that subordinates engage in affirmations and daily prayers to religious figures, and that employees were made to believe that they would be

⁸ The United States Equal Employment Opportunity Commission (EEOC), which enforces Title VII’s prohibition against religious discrimination in the workplace, defines religion very broadly as theistic or non-theistic moral or ethical beliefs, practices and observances regarding right and wrong and ultimate ideas about life, purpose and death, which are sincerely held with the strength of traditional religious views. EEOC notes: “A belief is ‘religious’ for Title VII purposes if it is ‘the person’s own scheme of things,’ i.e. it is ‘a sincere and meaningful belief that occupies in the life of its possessor a place parallel to that filled by . . . God.’” See EEOC, Compliance Manual, §12 - Religious Discrim., Jul. 22, 2008, pp. 5, 6, 8 (citing Redmond v. GAF Corp., 574 F.2d 897, 901 n.12 (7th Cir. 1978) & U.S. v. Seeger, 380 U.S. 163, 176 (1969)). This includes not only traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism, but also religious beliefs that are new, unique, uncommon, not part of a formal church or sect, subscribed to by only one or a small number of people, or that seem illogical or unreasonable to others. Ibid. Determining whether a practice or observance is “religious” is done on a case-by-case basis and may include attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression. Ibid.

discharged for not fully embracing Dr. Chaudhry's religious practices.⁹ The investigation also found an abundance of communications proselytizing the supervisor's religious beliefs and practices. The conduct went well beyond a few stray remarks or unwelcome comments. Given the sheer volume of the proselytizing and the fact that it appeared to permeate the work environment, the Director is satisfied that the unwelcome conduct was sufficiently "pervasive" for purposes of LAD analysis.

Despite Dr. Chaudhry's assertions that she did not believe in any organized religion, the Director is satisfied that Dr. Chaudhry had her "own scheme of things" with sincere and meaningful beliefs that occupied a place in her life "parallel to that filled by . . . God . . . with ultimate ideas about purpose, life and death," which she, in turn, imposed on her employees. See EEOC, Compliance Manual, §12, Religious Discrim., Jul. 22, 2008 (citing Redmond v. GAF Corp., 574 F.2d 897, 901 n.12 (7th Cir. 1978) & U.S. v. Seeger, 380 U.S. 163, 176 (1969)). For example, she (i) described herself to DCR as a highly evolved master of healing; happy Buddha; highest vibration of light on the planet; and the first one on the planet to have eternal life in her body; (ii) regularly held "sacred affirmations" that employed images of religious figures displayed in her office, including Mother Mary Magdalene, Buddha and Ganesha; and (iii) referenced terms and concepts commonly found in religious practices and prayers (e.g., God, Heaven, angels, creation and "divine path and purpose") in her emails to her employees.

And Complainant told DCR that Dr. Chaudhry: (i) repeatedly told her that she was "Mother, Father and God;" (ii) told Rago to "follow" her religion and believe in her "special powers"; (iii) told her and the other employees that she was "regenerating" and that if they followed her, they would regenerate and become higher beings; (iv) required Rago and her co-workers to participate in the affirmations and pray to religious figures in the office; (v) insisted on touching her body during religious practices; and (vi) repeatedly threatened to fire her if she failed to adopt her religious beliefs. Those claims were corroborated by the statements of Badekas and Applegate.

In view of the above, the Director finds, for purposes of this disposition only, that the investigation found sufficient evidence to raise a reasonable ground of suspicion that Dr. Chaudhry's actions created a hostile work environment based on religion.

b. Discriminatory or Retaliatory Discharge

The LAD prohibits employers from discharging employees based on their religion, N.J.S.A. 10:5-12(a), or retaliating against employees for opposing any practices or acts forbidden under the act, including religious discrimination. N.J.S.A. 10:5-12(d). The investigation found a reasonable ground of suspicion that Complainant was fired on or about October 7, 2015, based

⁹ Respondents do not argue that spirituality or certain religious beliefs/practices are a necessary component of the receptionist or medical assistant/esthetician functions.

on her religious views and/or in retaliation for objecting to Dr. Chaudhry's unwelcome religious practices.

Badekas and Applegate corroborated Complainant's allegation that employees felt that they would be fired for opposing Dr. Chaudhry's religious practices, such as failing to make a "spiritual shift," "liv[ing] up to her contract with Dr. Chaudhry and God," and refusing to attend the Omega retreats. On October 7, 2015, Complainant and Badekas arrived at work to discover that they were locked out. Dr. Chaudhry declared that she had "moved on" from the women because of their refusal to accept her religious beliefs. Dr. Chaudhry wrote in an October 7, 2015 group text message: "You chose hell over heaven on earth. Ah Well. The pearly gates to heaven are now only open for the real hope angels. Not you guys. I have moved on."

Dr. Chaudhry told DCR that she fired Rago because she "slacked off and stole from the practice," among other things, but was unable or unwilling to produce any evidence to support those claims despite multiple requests. Nor is there any evidence that she ever gave a performance review to Rago or told her that she was dissatisfied with her performance of secular functions.

The notion that Dr. Chaudhry could harbor a retaliatory animus is supported by text messages in which she appears to threaten Applegate for filing a complaint raising similar allegations, e.g., "I suggest you withdraw your faulty accusations. Or you will pay dearly . . . Try to fuck with Me. See what happens."

Based on the above, the Director is satisfied—for purposes of this preliminary stage of the process only—that the evidence raises a "reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a cautious person to believe" that Complainant was discharged based on her religion and/or in retaliation for objecting to workplace religious practices. N.J.A.C. 13:4-10.2.

Conclusion

Based on the investigation, the Director is satisfied that there is sufficient evidence to warrant having the matter "proceed to the next step on the road to an adjudication on the merits," Frank, supra, 228 N.J. Super. at 56, as to the allegations that Respondents created a hostile work environment based on religion, discriminated against Complainant based on religion and retaliated against her for engaging in protected activity.

DATE:

7-20-17



Craig Sashihara, Director
NJ DIVISION ON CIVIL RIGHTS