

STATE OF NEW JERSEY
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
DCR DOCKET NO. EC 13WB-65589

Deanna Applegate,)	
)	
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 October 30, 2015, Burlington County resident Deanna Applegate (“Complainant” or “Applegate”) 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 September 2014, Dr. Chaudhry hired Applegate to work as an esthetician/medical assistant. According to a written job description produced by Respondents during the course of the investigation, her duties included:

Medical Assistant . . . Provide support before, during and after treatments: - Initial Consultation and Evaluation-Follow up on treatments . . . perform a variety of facial and body procedures. Provide support for **CUSTOMER SERVICE** . . . and **SALES IN THE FOLLOWING AREAS:** . . . Keep informed about practice and participate in building up-clientele . . . Maintain a good attitude around patients and other employees . . . Other tasks may include – product inventory, data entry, networking and sales.

Esthetician . . . Clean and sanitize tools and equipment . . . Perform patient consultations. Communicate with other employees about appointments, new procedures, and tasks on hand . . .

Applegate told DCR that shortly after she started working, Dr. Chaudhry instructed her to “follow” her because Chaudhry was God, immortal, and the only one who could “cleanse” Applegate’s soul and “re-birth her.” Applegate claims that she told Dr. Chaudhry she was Catholic, and 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.”

Applegate 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 the employee handbook.

Applegate said that Dr. Chaudhry later expanded her responsibilities to add office manager duties, i.e., supervising the practice’s two other employees (receptionists Jennifer Rago and Meghan Badekas), overseeing payroll, paying bills, etc.

Applegate said that Dr. Chaudhry required her and the two other employees to participate in “sacred” affirmations. She said that Dr. Chaudhry spontaneously held the affirmations whenever she “felt the spirit,” about once a month between October 2014 and

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.

September 2015. She said that Dr. Chaudhry instructed them to sit around a table in the lobby, hold hands, trust her because she was embodied with and was “the Mother, Father and God of All,” Jesus, Mary Magdalene and Buddha, pray to her and the religious figures in her office for hope, love, peace and abundance, and recite Yoga chants including “Om Shanti Om.” Applegate told DCR that she perceived the affirmations to be religious in nature because Dr. Chaudhry declared that she was God and instructed the employees to pray to her as God.

Applegate said that during some affirmations, Dr. Chaudhry instructed her to close her eyes while Dr. Chaudhry recited chants in an unfamiliar language and applied lavender oil to the bottoms of her feet and “Essential Oil” blends to her forehead, chest, back, and spine. She said that on one occasion, without permission, Dr. Chaudhry lifted her uniform top and applied oils on her back, which irritated her skin. Applegate said that she did not resist at the time because she was afraid that she would be fired.

Applegate also claimed that on another occasion, Dr. Chaudhry required her to wear a necklace with a mermaid pendant, and told her that it would help her remember she was Princess Diana in another life. Dr. Chaudhry then placed her hands on Applegate’s chest and neck and proceeded to wave and vibrate them over her body.

Applegate told DCR that when she objected to participating in the affirmations, Dr. Chaudhry threatened to terminate Applegate’s employment if she did not make a “spiritual 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 claimed that Dr. Chaudhry sent emails to her at work and home on almost a daily basis that referenced God, Heaven, creation and “divine path and purpose,” and other religious terms and concepts. She produced approximately three dozen examples, such as:

[T]he most powerful Being that created you and runs the Universe. I HAVE INFINITE LOYAL DIVINE ENTOURAGE AT MY SERVICE 24/7 . . .

[See Email from Chaudhry to Complainant, Subject: Kicked it to Kingdom Come. Heaven on Earth is HERE FOREVER MORE, May 5, 2015, 10:16 a.m. (*sic* throughout).]

That’s when I became transcendent – One with the Universe/the Cosmos with Mother Father God . . . Dear Child of God . . . We simply have not been able to let go into our divine temples of god that we are . . . ThankYou for your unwavering service to MotherFatherGOD!!! . . . Remember your Contract With

Me – All of Us!!! We Did IT to Gather Beautiful warrior of Infinite Light, Infinite Power, Infinite Goodness!!!

[See Email from Chaudhry to Complainant, Subject: Buddha's response to him being a "jerk" and leaving His family and responsibilities!!! Jun. 23, 2015, 9:20 a.m. (*sic* throughout).]

Let Go, Let MotherFatherGod show you the way – Your divine entourage is waiting to help you . . . Blessed by my parents Buddha, Christ, Mary Magdalene and Mother Mary and Quan Yin . . . I created you – I planted magnificent Dreams in You – Let's Blossom a Garden of Hope . . .

[See Email from Chaudhry to Complainant, Subject: Nadia's Rules for Heavenly success – Live a limitless Life, Have Passion. Ccreate Something New – Innovate NOT imitate!!! Jul. 15, 2015, 1:02 p.m. (*sic* throughout).]

You cannot serve me or Hope and be my "partner" till you have the courage to process feelings and choose to transform and come into an authentic way of Being...the divine gifts waiting here for you cannot see . . .

[See Email from Chaudhry to Complainant, Subject: Let go, surrender in trust, faith and infinite possibilities!!! Jul. 31, 2015, 2:16 a.m. (*sic* throughout).]

. . . I pledge allegiance to God and only god – as my True Love Partner...It is my greatest wish and heart's desire to cocreate a heaven on Earth – a garden of Hope, of abundance, fertility, new innovations, equal opportunities, education, safe communities, guided by elders, representatives, leaders from all groups to come together as One Magnificent Whole . . . this is all Mine to cocreate, to partake in, to be a Steward of.

[See Email from Chaudhry to Complainant, Subject: Declaration of Freedom. I Declare...I did it all – in absolute Truth all the way!!! Aug. 9, 2015, 9:34 a.m. (*sic* throughout).]

. . . And Now he is permanently with me, embodied, as his Buddha, as is Mother Mary Magdalene – the Great Mother, Mother Mary . . . last year, that's when I also Became Effulgent – the effervescent Fountain of Rainbow light – One with God forever more – Vasudeva – Krishna – Radha . . . devotion for Mother Father God, and the infinite beautiful expressions thereof . . . I created and expanded the Sacred Geometric of Hope to surround the whole Planet . . . the prayers and gatherings became more intense and I was at Hope till wee hours of the night . . . I simply had to be in total surrender, and faith, connect into Spectra Ananda – my Beautiful Akash – the Ark of the Covenant that was continually being updated,

for whatever energy, wisdom I needed, as well as My beautiful trees – Mary Magdelene (the Great Mother), and Christ. Was called often to go to New York for prayers and healings . . . when who decides to embody me – Ganesh – the infinite Soulutions to all challenges – embodying the energy of elephants – one of my favorite animals and creations . . . Archangel Gabriel embodied me that weekend . . .

[See Email from Chaudhry to Complainant, Subject: Fwd: Your Existence Gives Me Such Hope – My Dad – Christ – Now I understand – Fully and completely what I could not see then!!! Aug. 16, 2015, 6:17 p.m. (*sic* throughout).]

<https://www.youtube.com/watch?v=Wozsg-mXYmE> [³] -- Devoted only to his purpose and love for his Creator and Beloved!!!All he saw was the, and serving God as Ram Sita was his whole life and never left their side!!!

[See Email from Chaudhry to Complainant, Subject: Ram Sita – One of my lifetimes – as Mother Father God – when Hanuman was our protector, Aug. 17, 2015, 6:24 p.m. (*sic* throughout).]

<https://www.youtube.com/watch?v=liKbzGXGokU> [⁴] Gratitude beyond gratitude for his unwavering devotion, love, strength...This is why he is soooo celebrated as the penultimate Hero in India and Beyond Now . . . Infinite Possibilities in that Love of God!!

[See Email from Chaudhry to Complainant, Subject: Hanuman – He Got honored by All of Us – had total meltdown as I felt all he had gone through with Me, for Me, Aug. 17, 2015, 6:34 p.m. (*sic* throughout).]

It is time for us to awaken fully and Partner with the Heavens, the heavenly Hosts . . . 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 . . . To Be Devoted in our remembrance of the One Infinite Loving Light) Mother Father GOD – that created Us all in their Passion, in their Infinite expanding effervescent, Eternal, Effulgent love for Each Other and Thereby all of Creation . . . Remember No One Being is any More deserving or important to MotherFatherGod . . . Lets cocreate – Garden On this Earth – for We are the Chosen Ones . . .

³ The referenced video contains images of the Hindu Goddess Sita and her husband Rama accompanied by music with lyrics in a foreign language.

⁴ The referenced video is entitled, “Bhajans and Mantras,” and contains images of Hanuman (Hindu monkey God) accompanied by music with lyrics in a foreign language. “Bhajan” refers to any song with a religious theme or spiritual idea, in a regional Indian language.

[See Email from Chaudhry to Complainant, Subject: The dream that downloaded on my way back from Sedona – How about it!!! Aug. 23, 2015, 3:17 p.m. (sic throughout).]

. . . Let's celebrate Life in All its Glory and Mother Gaia!!! . . .

[See Email from Chaudhry to Complainant, Subject: Fwd: Omega fall chants – come Join Me won't You be my Buddy!!! Aug. 26, 2015, 10:45 a.m. (sic throughout).]

. . . As I joyfully surrender in humility and deep gratitude to my Own glorious Heart – As Mother Father God/Quan/Yin/Adonis...divine Beings that decided to show up for Me and everyone . . . Ganesh . . . Christ . . . Buddha . . . Mary Magdalene . . . Mother Mary . . . Quan Yin . . . Archangel Gabriel . . .

[See Email from Chaudhry to Complainant, Subject: Small Price to pay for All the rewards of this Epic Adventure – with a few curve Balls over the Past Years!!! Aug. 28, 2015, 1:59 p.m. (sic throughout).]

[N]obody in the Universe would ever think about Messing with Me and my Light workers/Angels and creation Again!!!

[See Email from Chaudhry to Complainant, Subject Fwd: Small Prince to pay for All the rewards of this Epic Adventure – with a few curve Balls over the Past Years!!! Aug. 28, 2015, 8:26 p.m. (sic throughout).]

[I]t is time for us to awaken fully and Partner with the Heavens, the heavenly Hosts – our teachers, ancestors, guides and Masters – our divine entourage that walks with us – to surrender in humility to these beautiful Beings that are here for Us 24/7 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 – Heavenly, decadently, deliciously, delightfully, divine Dream Team...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 all in either Passion, in their Infinite expanding, effervescent, Eternal, effulgent love for Each Other and Thereby all of Creation . . . Remember No One Being Is any More deserving or important to MotherFatherGod – All their Beautiful children and creations – enough to share with everyone – and more – to spare!!! . . . Let's Cocreate – Garden On this Earth – for We are the Chosen Ones . . .

[See Email from Chaudhry to Complainant, Subject: The dream that downloaded on my back from Sedona – How about it!!! Sept. 10, 2015, 11:36 p.m. (*sic* throughout).]

Christ Blessing – as I taught You – the Master of Infinite Light and healing – feel His loving presence and eternal, unconditional love and prayers for You!!! Allow Him to surround You and drink from the chalice of Love – each and everyday . . .

[See Email from Chaudhry to Complainant, Subject: Fwd: Loving Yourself Gorgeously thin!!! Hope's Integrated tools guaranteed to Regenerate You for Life!!! Sept. 17, 2015, 12:10 p.m. (*sic* throughout).]

. . . Every One is on their path Back HOHM to me – In their own Way – and so it IS!!! For Many it won't Be in this Lifetime . . .

[See Email from Chaudhry to Complainant, Subject: All Will Eventually come HOHM – NBD – For now those not ready will Leave this planet and do their process elsewhere!!! Ya Ya!!! Sept. 22, 2015, 2:04 p.m. (*sic* throughout).]

. . . Gather yourselves! . . . All that we do now must be done in a sacred manner for ourselves and each other as ONE..." We are the ones we've been waiting for."

[See Email from Chaudhry to Complainant, Subject: Fwd: The River is flowing very fast. Hopi Elder – Message – as to what is the current dynamics!!! Sept. 26, 2015, 6:28 p.m. (*sic* throughout).]

Applegate said that separate from the affirmations, Dr. Chaudhry also instructed her to pray daily to the sculpture of Spectra Ananda and painting of Buddha, sometimes with Dr. Chaudhry. Applegate said that the few times she refused, Dr. Chaudhry became upset. She said that a few weeks prior to her termination, Dr. Chaudhry blamed her and her co-workers for her failed dermatology practice, stating that if they had prayed to Spectra more frequently, then she would have more patients.

On September 29, 2015, Chaudhry fired Applegate. Applegate believes that she was fired for opposing Dr. Chaudhry's religious practices, including participating in the affirmations; practicing chants and mantras at work and home; and attending Omega retreats. Applegate alleges that Dr. Chaudhry never evaluated her performance or informed her that she was dissatisfied with her work.⁵

⁵ Applegate acknowledged that she paid some bills late, but claimed she was forced to do so because Hope did not have sufficient funds.

The parties agree that after Complainant was fired on September 29, 2015, she was allowed to continue working on the fall fundraising initiatives. However, she stopped working for Respondents altogether after receiving the following group text message exchange on October 7, 2015:

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 Messages between Dr. Chaudhry, Complainant, and Badekas, Oct. 7, 11:01 a.m.⁶]

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

⁶ Badekas and Applegate were parties to a group text with Dr. Chaudhry. Rago did not give Dr. Chaudhry her cell phone number and did not text with her.

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)]

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 Beautifull 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)]

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 Applegate, Badekas or Rago.

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 the employees participate in affirmations but denied that they were religious in nature. She said that the 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 [⁷]-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 Oils⁸ 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.

⁷ *Lakshmi* is the Hindu goddess of wealth, fortune and prosperity.

⁸ 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.

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 knowing that Complainant was Catholic. She denied making any of the remarks about the Catholic Church or organized religion attributed to her by Complainant.

Dr. Chaudhry told DCR that although initially Applegate performed well, as time passed it became clear that she “was a hustler and a player.” She acknowledged firing Applegate, but said that she did so because Complainant was “sabotaging” her practice. Specifically, she said that Applegate failed to effectively manage the receptionists; poorly planned two marketing events; failed to timely pay bills; made unauthorized credit card charges; and fraudulently obtained commissions. She told DCR:

[Complainant] . . . 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.

Dr. Chaudhry acknowledged sending the post-employment text messages produced by Applegate, but said she was merely “venting” for having to deal with the DCR complaints from Applegate, Badekas and Rago, and her scheduled interview with a DCR investigator.

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. [9]

Rago’s version of events was consistent with that of Complainant and Badekas. For example, Rago stated that Dr. Chaudhry would back her into a corner and declare that she was Mother, Father and God, and require Rago to say prayers and chants. She said that Dr. Chaudhry told her to believe in Chaudhry’s “special powers,” follow her “religion” and obey her so that Rago “could overcome all.” She said 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 told DCR 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 unless she embraced the affirmations, including allowing Dr. Chaudhry to apply oil to the base of her spine and make what Dr. Chaudhry termed a “spiritual shift” (making heart opening prayers to Spectra; praying to Buddha and partaking in the affirmations). She said that on August 24, 2015, Dr. Chaudhry

⁹ Badekas filed a separate complaint against Respondents. See Badekas v. Hope Integrative Health, et al., DCR Docket No. EC 13WB-65587.

screamed that she and Badekas must either follow her path to regeneration and immortal life or leave.¹⁰

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.)¹¹

¹⁰ Rago filed a separate complaint against Respondents. Rago v. Hope Integrative Health, et al., DCR Docket No. EC 13WB-65586.

¹¹ 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

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 discharged for not fully embracing Dr. Chaudhry's religious practices.¹² 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; (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 Applegate.

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.

¹² Respondents do not argue that spirituality or certain religious beliefs/practices are a necessary component of the medical assistant or receptionist functions.

And Complainant told DCR that Dr. Chaudhry: (i) told the employees multiple times that she was embodied with and was “the Mother, Father and God of All;” (ii) told Applegate to “follow” her because she was God, immortal and the only one who could “cleanse” Applegate’s soul and “re-birth her;” (iii) told Applegate in August 2015 that “I am God - I can do whatever I want;” (iv) required Applegate and her co-workers to participate in the affirmations and pray to religious figures in the office; and (v) instructed Applegate to pray daily to the sculpture of Spectra and painting of Buddha. Those claims were corroborated by the statements of Badekas and Rago.

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 and retaliating against employees for opposing any practices or acts forbidden under the act, including religious discrimination. N.J.S.A. 10:5-12 (a) & (d). The investigation found a reasonable ground of suspicion that Applegate was fired on September 29, 2015, based on her religious views and/or in retaliation for objecting to Dr. Chaudhry’s unwelcome religious practices.

Badekas and Rago corroborated Complainant’s allegation that employees felt that they would be fired for opposing Dr. Chaudhry 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. And although Complainant continued working for the practice after she was fired, it appears that Dr. Chaudhry had “moved on” in her mind from Complainant and Badekas because of their refusal to accept her religious views. Dr. Chaudhry wrote in an October 7, 2015 text message to Complainant and Badekas: “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 Applegate for performance issues such as mismanagement of employees and fraudulently obtaining commissions. However, she was unable or unwilling to produce any evidence to support her claims of poor performance despite multiple requests. Nor is there any evidence that she ever gave a performance review to Applegate 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 the instant complaint, 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 Applegate 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