

ANNE MILGRAM,  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, NJ 07101  
Attorney for Complainant, Division on Civil Rights

**RITA ANGERMEIER and CHINH Q. LE,  
DIRECTOR ON CIVIL RIGHTS,**

**Complainants,**

**vs.**

**LEISURE VILLAGE EAST ASSOCIATION,  
INC.,**

**Respondent.**

**STATE OF NEW JERSEY  
DEPARTMENT OF LAW  
AND PUBLIC SAFETY  
DIVISION ON CIVIL RIGHTS**

**AGENCY DOCKET NO. H-Q14HT-16143**

**OAL DOCKET NO. CRT 02626 2008S**

**Stipulation of Settlement and  
Dismissal, With Prejudice**

**WHEREAS**, on march 5, 2007, a Verified Complaint was filed with the State of New Jersey, Division on Civil Rights ("the Division") by Complainant, Rita Angermeier, ("Angermeier"), against Respondent, Leisure Village East Association, Inc. ("Respondent"), charging it with violating the New Jersey Law Against Discrimination ("LAD");

**WHEREAS**, on June 25, 2007, the Division on Civil Rights issued a Finding of Probable Cause which credited the allegations in the Complaint against the Respondent;

**WHEREAS**, on June 25, 2007, the Verified Complaint was amended to include J. Frank Vespa-Papaleo, former Director<sup>1</sup> of the Division on Civil Rights, as a complainant<sup>2</sup>;

**WHEREAS**, the Respondent denied the allegations of the Complaint and the matter was therefore, transmitted to the Office of Administrative Law;

---

<sup>1</sup> Pursuant to **R. 4:34-4**, the current Director of the New Jersey Division on Civil Rights, Chinh Q. Le, is substituted in for former Acting Director, C. Carlos Bellido, and the former Director, J. Frank Vespa-Papaleo.

<sup>2</sup> Rita Angermeier and Chinh Q. Le, Director, Division on Civil Rights, shall collectively be referred to as "Complainants".

**WHEREAS**, the hearing in the matter commenced in November, 2008 and thereafter the parties commenced settlement discussions and desire to amicably settle the matter without the necessity and expense of further litigation;

**NOW THEREFORE**, in consideration of the promises and mutual obligations herein set forth, the parties hereby agree as follows:

1. The Respondent agrees to pay Angermeier a total sum of twenty four thousand dollars (\$24,000.00).<sup>3</sup> The payment shall be made within fourteen (14) days from the complete execution of this agreement, which shall include the dismissal of this matter within prejudice. The noted check shall be made payable to Rita Angermeier and mailed to:

Gary LoCassio, Deputy Director  
Division on Civil Rights  
140 East State Street  
P.O. Box 090  
Trenton, NJ 08625-0090

2. The Respondent agrees to pay the Division the total sum of six thousand dollars. The payment shall be made within fourteen (14) days from the complete execution of this agreement, which shall include the dismissal of this matter within prejudice. The noted check shall be made payable to the Treasurer State of New Jersey and mailed to:

Gary LoCassio, Deputy Director  
Division on Civil Rights  
140 East State Street  
P.O. Box 090  
Trenton, NJ 08625-0090

3. The Respondent has developed and shall forthwith implement policies and procedures for addressing requests for reasonable accommodations. Complainants acknowledge that Respondent has developed the following attached copied policies, procedures and forms which shall be utilized when addressing requests for reasonable accommodation:

---

<sup>3</sup> Rita Angermeier shall be responsible for the tax consequences of this award if any.

- a. "Notice of Right of Reasonable Accommodation" (**Exhibit A**).
- b. "Reasonable Accommodation Request Form" (**Exhibit B**).
- c. "Verification of Need for Reasonable Accommodation Request" (**Exhibit C**).<sup>4</sup>
- d. "Form Advising if Request for Reasonable Accommodation has been Granted or Denied and Advising of Right to Appeal" (**Exhibit D**).

Respondent shall notify residents of the policies and procedures so adopted by posting said Exhibit A "Notice of Right of Reasonable Accommodation" in the place(s) at which Respondent posts public notices and other such Notice Requirements. If the above noted policies have not already been implemented and posted, Respondent agrees to do so within fourteen (14) days from the execution of this agreement.

4. Should respondent unreasonably fail to comply with the terms of this agreement, it shall pay all reasonable costs and expenses incurred in any further proceedings or steps necessary to collect or enforce the respective agreements herein as may be awarded by a court of competent jurisdiction. New Jersey law shall govern the enforcement of this agreement.

5. Appropriate training with regard to the requirements of the New Jersey Law Against Discrimination shall be made available to the Respondent, which Respondent may voluntarily arrange by contacting Philip Freeman, Assistant Director Division on Civil Rights, P.O. Box 089, 140 East Front Street, Trenton, NJ 08625, (609) 292-2918.

6. Consent to this Stipulation is not and shall not operate as an admission of liability or of any wrongdoing by Respondent or as an adjudication of any violation of the LAD, N.J.S.A. 10:5-1, et. seq. Respondent nonetheless agrees that all future decisions shall reasonably comply with N.J.S.A. 10:5-1, et. seq. and shall be conducted in a nondiscriminatory manner and shall not have the effect of unreasonably discriminating against any individual because of that persons status in a protected category, including

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<sup>4</sup> Requests for verification shall be made and all information obtained in response to said requests shall be maintained in accordance with the provisions of the law.

but not limited to race, creed, color, sex, national origin, ancestry, marital status, affectional or sexual orientation, genetic information, liability for service in the Armed Forces of the United States , nationality or disability. Respondent will not engage in any retaliatory conduct against Rita Angermeier or against any participant in these proceedings or allow any of its associates or employees to engage in any such conduct.

7. Rita Angermeier, for and in consideration of the undertakings set forth herein, and intending to be legally bound and to hereby bind her successors and assigns, heirs, executors and administrators hereto, does hereby REMISE, RELEASE AND FOREVER DISCHARGE the Respondent as well as its respective, employees, agents and predecessors, their successors and assigns, heirs, executors and administrators, of and from any and all manner of actions and causes of action, suits, debts, claims and demands, whatsoever in law or in equity, arising from and/or relating to the allegations of unlawful discrimination as set forth in the Verified Complaint DCR Docket No. HQ-14HW-06104 and OAL Docket No. CRT 06849-2008S.


8. Upon execution by all the parties, which includes the Director of the Division on Civil Rights, this Stipulation of Settlement and Dismissal shall operate as a complete and final disposition, with prejudice, of the charges contained in the above-noted Verified Complaint filed against the Respondent with the Division on Civil Rights subject only to the fulfillment of all the provisions of this Agreement.

Dated: Nov 25, 2009

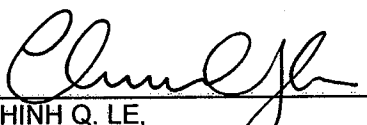
  
RITA ANGERMEIER

LEISURE VILLAGE EAST  
ASSOCIATION, INC.

Dated 11/12, 2009

By:   
MAUREEN MURNANE, President  
LEISURE VILLAGE EAST  
ASSOCIATION, INC. BOARD OF  
TRUSTEES

Dated December 1, 2009

  
CHINH Q. LE,  
Director of the New Jersey  
Division of Civil Rights

# Notice of Right of Reasonable Accommodation

**TO:** All Residents of Leisure Village East

**From:** The Board of Trustees, Leisure Village East Association, Inc.

Dear Residents of Leisure Village East,

If you have a physical or mental impairment or disability, and you need.....

- A change in the rules or policies or in how we do things in order to enjoy or participate equally in the services, programs, facilities or common areas of Leisure Village East,
- A change in the way we communicate with you or give you information,
- A physical change to the facilities or common areas of Leisure Village East,

You may request this kind of change, which is called a Reasonable Accommodation.

## **Your Request**

If you can show that you have a disability or impairment that interferes with your use of our services, programs, facilities or common areas, and your request is reasonable, we will try to make the changes you request.

You can request this change by contacting our Community Manager, who can assist you in filling out a written Reasonable Accommodation Request Form.

## **Our Response**

We will give you a written response to your request within fourteen (14) days of our receipt of your Reasonable Accommodation Request Form, unless there is a problem in getting all the information needed or unless you agree to a longer time. We will let you know if we need either more information or verification of information or if we would like to talk with you about other ways to meet your needs.

If we turn down your request, we will explain the reasons in writing and you can give us more information, if you think that will help. You may also appeal our decision and we will tell you how.

## **Confidentiality/Retaliation**

All information you provide will be kept confidential and be used only with relation to our responding to your Reasonable Accommodation Request Form and it is illegal for us to deny you any services or retaliate against you because you made a Reasonable Accommodation Request.

Thank you,

The Board of Trustees

# Reasonable Accommodation Request Form.

1. The person requesting a reasonable accommodation is:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_

2. The reasonable accommodation requested is (please use the back of this form if additional space is needed to provide this information):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The physical or mental impairment(s) or disability(s) which causes the need for the reasonable accommodation requested is (please use the back of this form if additional space is needed to provide this information):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The names and addresses of physicians or medical providers who can verify the physical or mental impairment(s) or disability(s) which causes the need for the reasonable accommodation requested are (please use the back of this form if additional space is needed to provide this information):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please complete, date and sign a "Verification of Need for a Reasonable Accommodation" Form provided for each of the above physicians or medical providers". **All information which you provide or which is acquired from such physicians or medical providers will be kept confidential and be used only with relation to our responding to your Reasonable Accommodation Request Form.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

**VERIFICATION OF NEED FOR REASONABLE ACCOMMODATION REQUEST**

Dear \_\_\_\_\_.

On the back of this page (**page 2 hereof**) is form signed by \_\_\_\_\_, (hereafter the applicant) asking you to verify his or her disability and the need for a reasonable accommodation.

State and federal laws require that we make reasonable changes to policies, practices, procedures and/or physical changes to common areas of Leisure Village East if such changes are necessary to enable a person with a disability to have equal access to, and enjoyment of Leisure Village East. Please note that such changes must be necessary as a result of the person's disability.

Please indicate on the form whether you believe that the applicant has a disability (as defined in the question) and whether the accommodation requested is necessary and will achieve its purpose. Please also feel free to add any additional information or suggestions that would be helpful in making the right accommodation for the applicant. **But, note: This form should not be used to discuss any diagnosis or any other information that is not directly relevant to the request for accommodation.**

Please return this Form to:

Attn: Community Manager  
Leisure Village East Association, Inc.  
Administration Building  
One Dumbarton Drive  
Lakewood, NJ 08701-6999

If you have any questions, feel free to call the Community Manager at (732) 477-7900, ext. 101.

Thank you very much for your assistance,

Sincerely,  
LEISURE VILLAGE EAST ASSOCIATION, INC.

By: \_\_\_\_\_



VERIFICATION OF NEED FOR REASONABLE ACCOMMODATION REQUEST (continued)

From: Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

To: \_\_\_\_\_  
(Name and address of the physician's or medical provider requested to provide information)

I have requested the following accommodation(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby request and authorize you to provide the following protected health information to:

Attn: Community Manager  
Leisure Village East Association, Inc.  
Administration Building  
One Dumbarton Drive  
Lakewood, NJ 08701-6999

I understand that I have the right to revoke this authorization at any time. I understand that my revocation must be in writing and addressed to the privacy officer of the above named physician, medical provider or facility authorized to make this disclosure. I understand that the revocation does not apply to information that has already been released in response to this authorization. Unless otherwise revoked, this authorization will expire in six (6) months. I understand that any disclosure of information may be subject to re-disclosure by the recipient unless protected by federal or state law. I understand that I need not sign this authorization to assure treatment. I understand that I may inspect and/or copy the information to be disclosed. I understand that authorizing this disclosure is voluntary. I understand that if I have any questions about disclosure of my health information, I may contact the privacy officer at the facility listed above that is authorized to disclose this information and request a copy of this authorization. I understand that my health record may include information pertaining to the treatment of drug and alcohol abuse, mental illness, acquired immunodeficiency syndrome (AIDS) or human immunodeficiency virus (HIV), sexually transmitted diseases, tuberculosis or genetics. IF YOU DO NOT WISH THIS INFORMATION TO BE RELEASED, PLEASE INITIAL, DO NOT RELEASE. \_\_\_\_\_.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
(Applicant's Signature)

(a) Do you believe that the applicant has a physical or mental impairment that limits a major life activity? ( ) Yes ( ) No

(b) If your answer to (a) above is "Yes", please provide a brief description of said physical or mental impairment below:  
\_\_\_\_\_  
\_\_\_\_\_

(c) Do you believe the requested accommodation(s) is necessary and will achieve its stated purpose? ( ) Yes ( ) No

(d) Please set forth any additional information that you believe to be helpful or relevant to this request for accommodation(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_  
\_\_\_\_\_  
(Physician's or Medical Provider's signature)

\_\_\_\_\_  
(Print name of Person whose signature is inscribed above)

**Form Advising If Request for Reasonable Accommodation Has Been Granted or Denied and  
Advising of Right to Appeal.**

To: \_\_\_\_\_  
(The person requesting a reasonable accommodation)

\_\_\_\_\_  
(Address)

\_\_\_\_\_

**VIA REGULAR AND CERTIFIED MAIL, RRR**

From: Community Manager  
Leisure Village East Association, Inc.  
Administration Building  
One Dumbarton Drive  
Lakewood, NJ 08701-6999

You requested that accommodation as set forth in the attached Reasonable Accommodation Request Form.

- ( ) Your request has been granted and we expect to complete/implement your request by the following date: \_\_\_\_\_.
- ( ) Your request has been granted and we expect to complete/implement your request by the following date \_\_\_\_\_  
and under the following conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ( ) Your request has been denied because:
  - ( ) You have not established that you meet the definition of a person with a disability and Leisure Village East Association, Inc. is not required to provide a reasonable accommodation.
  - ( ) The accommodation you requested is not reasonable because:
    - ( ) You do not need this accommodation(s) in order to enjoy or participate equally in services, programs, facilities or common areas of Leisure Village East.
    - ( ) It will cost too much money and/or is more work than the Leisure Village Staff can do (an undue financial or administrative burden).
  - ( ) Other and/or additional reason(s) for denying your request: \_\_\_\_\_  
\_\_\_\_\_

The facts, including documents reviewed, people spoken with and other relevant aspects of the process followed in making the decision to deny your request were as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Next Steps:** If you disagree with this decision or have any questions, you may contact the Community Manager at the above address and/or via telephone at (732) 477 7900. Ext. 101. If you are still unhappy with the results, you may present a written appeal of this decision for hearing before the Board of Trustees of Leisure Village East Association, Inc., which written appeal should be mailed or hand delivered to the Board, as follows: Attn: Board of Trustees of Leisure Village East Association, Inc., Administration Building, One Dumbarton Drive, Lakewood, NJ 08701-6999

Dated: \_\_\_\_\_

\_\_\_\_\_  
Community Manager

**-D-**

ANNE MILGRAM,  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, NJ 07101  
Attorney for Complainant, Division on Civil Rights

**RITA ANGERMEIER and CHINH Q. LE,  
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**Complainants,**

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**STATE OF NEW JERSEY  
DEPARTMENT OF LAW  
AND PUBLIC SAFETY  
DIVISION ON CIVIL RIGHTS**

**AGENCY DOCKET NO. H-Q14HT-16143**

**OAL DOCKET NO. CRT 02626 2008S**

**Stipulation of Settlement and  
Dismissal, With Prejudice**

**WHEREAS**, on march 5, 2007, a Verified Complaint was filed with the State of New Jersey, Division on Civil Rights ("the Division") by Complainant, Rita Angermeier, ("Angermeier"), against Respondent, Leisure Village East Association, Inc. ("Respondent"), charging it with violating the New Jersey Law Against Discrimination ("LAD");

**WHEREAS**, on June 25, 2007, the Division on Civil Rights issued a Finding of Probable Cause which credited the allegations in the Complaint against the Respondent;

**WHEREAS**, on June 25, 2007, the Verified Complaint was amended to include J. Frank Vespa-Papaleo, former Director<sup>1</sup> of the Division on Civil Rights, as a complainant<sup>2</sup>;

**WHEREAS**, the Respondent denied the allegations of the Complaint and the matter was therefore, transmitted to the Office of Administrative Law;

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<sup>1</sup> Pursuant to **R. 4:34-4**, the current Director of the New Jersey Division on Civil Rights, Chinh Q. Le, is substituted in for former Acting Director, C. Carlos Bellido, and the former Director, J. Frank Vespa-Papaleo.

---

<sup>2</sup> Rita Angermeier and Chinh Q. Le, Director, Division on Civil Rights, shall collectively be referred to as "Complainants".

**WHEREAS**, the hearing in the matter commenced in November, 2008 and thereafter the parties commenced settlement discussions and desire to amicably settle the matter without the necessity and expense of further litigation;

**NOW THEREFORE**, in consideration of the promises and mutual obligations herein set forth, the parties hereby agree as follows:

1. The Respondent agrees to pay Angermeier a total sum of twenty four thousand dollars (\$24,000.00).<sup>3</sup> The payment shall be made within fourteen (14) days from the complete execution of this agreement, which shall include the dismissal of this matter within prejudice. The noted check shall be made payable to Rita Angermeier and mailed to:

Gary LoCassio, Deputy Director  
Division on Civil Rights  
140 East State Street  
P.O. Box 090  
Trenton, NJ 08625-0090

2. The Respondent agrees to pay the Division the total sum of six thousand dollars. The payment shall be made within fourteen (14) days from the complete execution of this agreement, which shall include the dismissal of this matter within prejudice. The noted check shall be made payable to the Treasurer State of New Jersey and mailed to:

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P.O. Box 090  
Trenton, NJ 08625-0090

3. The Respondent has developed and shall forthwith implement policies and procedures for addressing requests for reasonable accommodations. Complainants acknowledge that Respondent has developed the following attached copied policies, procedures and forms which shall be utilized when addressing requests for reasonable accommodation:

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<sup>3</sup> Rita Angermeier shall be responsible for the tax consequences of this award if any.

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Respondent shall notify residents of the policies and procedures so adopted by posting said Exhibit A "Notice of Right of Reasonable Accommodation" in the place(s) at which Respondent posts public notices and other such Notice Requirements. If the above noted policies have not already been implemented and posted, Respondent agrees to do so within fourteen (14) days from the execution of this agreement.

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5. Appropriate training with regard to the requirements of the New Jersey Law Against Discrimination shall be made available to the Respondent, which Respondent may voluntarily arrange by contacting Philip Freeman, Assistant Director Division on Civil Rights, P.O. Box 089, 140 East Front Street, Trenton, NJ 08625, (609) 292-2918.

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<sup>4</sup> Requests for verification shall be made and all information obtained in response to said requests shall be maintained in accordance with the provisions of the law.

but not limited to race, creed, color, sex, national origin, ancestry, marital status, affectional or sexual orientation, genetic information, liability for service in the Armed Forces of the United States , nationality or disability. Respondent will not engage in any retaliatory conduct against Rita Angermeier or against any participant in these proceedings or allow any of its associates or employees to engage in any such conduct.

7. Rita Angermeier, for and in consideration of the undertakings set forth herein, and intending to be legally bound and to hereby bind her successors and assigns, heirs, executors and administrators hereto, does hereby REMISE, RELEASE AND FOREVER DISCHARGE the Respondent as well as its respective, employees, agents and predecessors, their successors and assigns, heirs, executors and administrators, of and from any and all manner of actions and causes of action, suits, debts, claims and demands, whatsoever in law or in equity, arising from and/or relating to the allegations of unlawful discrimination as set forth in the Verified Complaint DCR Docket No. HQ-14HW-06104 and OAL Docket No. CRT 06849-2008S.


8. Upon execution by all the parties, which includes the Director of the Division on Civil Rights, this Stipulation of Settlement and Dismissal shall operate as a complete and final disposition, with prejudice, of the charges contained in the above-noted Verified Complaint filed against the Respondent with the Division on Civil Rights subject only to the fulfillment of all the provisions of this Agreement.

Dated: Nov 25, 2009

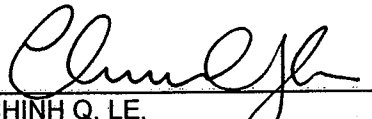
  
RITA ANGERMEIER

LEISURE VILLAGE EAST  
ASSOCIATION, INC.

Dated 11/12, 2009

By:   
MAUREEN MURNANE, President  
LEISURE VILLAGE EAST  
ASSOCIATION, INC. BOARD OF  
TRUSTEES

Dated December 1, 2009

  
CHINH Q. LE,  
Director of the New Jersey  
Division of Civil Rights

# Notice of Right of Reasonable Accommodation

**TO:** All Residents of Leisure Village East

**From:** The Board of Trustees, Leisure Village East Association, Inc.

Dear Residents of Leisure Village East,

If you have a physical or mental impairment or disability, and you need.....

- A change in the rules or policies or in how we do things in order to enjoy or participate equally in the services, programs, facilities or common areas of Leisure Village East,
- A change in the way we communicate with you or give you information,
- A physical change to the facilities or common areas of Leisure Village East,

You may request this kind of change, which is called a Reasonable Accommodation.

## **Your Request**

If you can show that you have a disability or impairment that interferes with your use of our services, programs, facilities or common areas, and your request is reasonable, we will try to make the changes you request.

You can request this change by contacting our Community Manager, who can assist you in filling out a written Reasonable Accommodation Request Form.

## **Our Response**

We will give you a written response to your request within fourteen (14) days of our receipt of your Reasonable Accommodation Request Form, unless there is a problem in getting all the information needed or unless you agree to a longer time. We will let you know if we need either more information or verification of information or if we would like to talk with you about other ways to meet your needs.

If we turn down your request, we will explain the reasons in writing and you can give us more information, if you think that will help. You may also appeal our decision and we will tell you how.

## **Confidentiality/Retaliation**

All information you provide will be kept confidential and be used only with relation to our responding to your Reasonable Accommodation Request Form and it is illegal for us to deny you any services or retaliate against you because you made a Reasonable Accommodation Request.

Thank you,

The Board of Trustees



# Reasonable Accommodation Request Form.

1. The person requesting a reasonable accommodation is:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

2. The reasonable accommodation requested is (please use the back of this form if additional space is needed to provide this information):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The physical or mental impairment(s) or disability(s) which causes the need for the reasonable accommodation requested is (please use the back of this form if additional space is needed to provide this information):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The names and addresses of physicians or medical providers who can verify the physical or mental impairment(s) or disability(s) which causes the need for the reasonable accommodation requested are (please use the back of this form if additional space is needed to provide this information):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please complete, date and sign a "Verification of Need for a Reasonable Accommodation" Form provided for each of the above physicians or medical providers". **All information which you provide or which is acquired from such physicians or medical providers will be kept confidential and be used only with relation to our responding to your Reasonable Accommodation Request Form.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

**VERIFICATION OF NEED FOR REASONABLE ACCOMMODATION REQUEST**

Dear \_\_\_\_\_.

On the back of this page (**page 2 hereof**) is form signed by \_\_\_\_\_, (hereafter the applicant) asking you to verify his or her disability and the need for a reasonable accommodation.

State and federal laws require that we make reasonable changes to policies, practices, procedures and/or physical changes to common areas of Leisure Village East if such changes are necessary to enable a person with a disability to have equal access to, and enjoyment of Leisure Village East. Please note that such changes must be necessary as a result of the person's disability.

Please indicate on the form whether you believe that the applicant has a disability (as defined in the question) and whether the accommodation requested is necessary and will achieve its purpose. Please also feel free to add any additional information or suggestions that would be helpful in making the right accommodation for the applicant. **But, note: This form should not be used to discuss any diagnosis or any other information that is not directly relevant to the request for accommodation.**

Please return this Form to:

Attn: Community Manager  
Leisure Village East Association, Inc.  
Administration Building  
One Dumbarton Drive  
Lakewood, NJ 08701-6999

If you have any questions, feel free to call the Community Manager at (732) 477-7900, ext. 101.

Thank you very much for your assistance,

Sincerely,  
LEISURE VILLAGE EAST ASSOCIATION, INC.

By: \_\_\_\_\_

**VERIFICATION OF NEED FOR REASONABLE ACCOMMODATION REQUEST (continued)**

**From:** Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

**To:** \_\_\_\_\_  
(Name and address of the physician's or medical provider requested to provide information)

I have requested the following accommodation(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby request and authorize you to provide the following protected health information to:

Attn: Community Manager  
Leisure Village East Association, Inc.  
Administration Building  
One Dumbarton Drive  
Lakewood, NJ 08701-6999

I understand that I have the right to revoke this authorization at any time. I understand that my revocation must be in writing and addressed to the privacy officer of the above named physician, medical provider or facility authorized to make this disclosure. I understand that the revocation does not apply to information that has already been released in response to this authorization. Unless otherwise revoked, this authorization will expire in six (6) months. I understand that any disclosure of information may be subject to re-disclosure by the recipient unless protected by federal or state law. I understand that I need not sign this authorization to assure treatment. I understand that I may inspect and/or copy the information to be disclosed. I understand that authorizing this disclosure is voluntary. I understand that if I have any questions about disclosure of my health information, I may contact the privacy officer at the facility listed above that is authorized to disclose this information and request a copy of this authorization. I understand that my health record may include information pertaining to the treatment of drug and alcohol abuse, mental illness, acquired immunodeficiency syndrome (AIDS) or human immunodeficiency virus (HIV), sexually transmitted diseases, tuberculosis of genetics. IF YOU DO NOT WISH THIS INFORMATION TO BE RELEASED, PLEASE INITIAL, DO NOT RELEASE. \_\_\_\_\_

Dated: \_\_\_\_\_  
\_\_\_\_\_  
(Applicant's Signature)

(a) Do you believe that the applicant has a physical or mental impairment that limits a major life activity? ( ) Yes ( ) No

(b) If your answer to (a) above is "Yes", please provide a brief description of said physical or mental impairment below:  
\_\_\_\_\_  
\_\_\_\_\_

(c) Do you believe the requested accommodation(s) is necessary and will achieve its stated purpose? ( ) Yes ( ) No

(d) Please set forth any additional information that you believe to be helpful or relevant to this request for accommodation(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_  
\_\_\_\_\_  
(Physician's or Medical Provider's signature)

\_\_\_\_\_  
(Print name of Person whose signature is inscribed above)

**Form Advising If Request for Reasonable Accommodation Has Been Granted or Denied and  
Advising of Right to Appeal.**

To: \_\_\_\_\_  
(The person requesting a reasonable accommodation)

\_\_\_\_\_  
(Address)

\_\_\_\_\_

\_\_\_\_\_

**VIA REGULAR AND CERTIFIED MAIL, RRR**

From: Community Manager  
Leisure Village East Association, Inc.  
Administration Building  
One Dumbarton Drive  
Lakewood, NJ 08701-6999

You requested that accommodation as set forth in the attached Reasonable Accommodation Request Form.

- ( ) Your request has been granted and we expect to complete/implement your request by the following date: \_\_\_\_\_.
- ( ) Your request has been granted and we expect to complete/implement your request by the following date \_\_\_\_\_  
and under the following conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ( ) Your request has been denied because:
  - ( ) You have not established that you meet the definition of a person with a disability and Leisure Village East Association, Inc. is not required to provide a reasonable accommodation.
  - ( ) The accommodation you requested is not reasonable because:
    - ( ) You do not need this accommodation(s) in order to enjoy or participate equally in services, programs, facilities or common areas of Leisure Village East.
    - ( ) It will cost too much money and/or is more work than the Leisure Village Staff can do (an undue financial or administrative burden).
  - ( ) Other and/or additional reason(s) for denying your request: \_\_\_\_\_  
\_\_\_\_\_

The facts, including documents reviewed, people spoken with and other relevant aspects of the process followed in making the decision to deny your request were as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Next Steps:** If you disagree with this decision or have any questions, you may contact the Community Manager at the above address and/or via telephone at (732) 477 7900. Ext. 101. If you are still unhappy with the results, you may present a written appeal of this decision for hearing before the Board of Trustees of Leisure Village East Association, Inc., which written appeal should be mailed or hand delivered to the Board, as follows: **Attn: Board of Trustees of Leisure Village East Association, Inc., Administration Building, One Dumbarton Drive, Lakewood, NJ 08701-6999**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Community Manager

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION ON CIVIL RIGHTS  
DOCKET NUMBER: HQ14HT-06143  
HUD NUMBER:

Rita Angermeier, )  
)  
COMPLAINANT, )  
)  
-vs- )  
)  
Leisure Village East )  
Condominium Association, )  
)  
RESPONDENT. )

VERIFIED COMPLAINT

Received and Recorded

Date 3/5/07

Department of Law and Public Safety

Division on Civil Rights

By: *M. Ayler*

1. ~~The~~ Complainant reside at:

1145 B Argyll Circle  
Lakewood, NJ 08701  
Ocean County

2. To the best of Complainant's knowledge and belief, the Respondent is known as:

Leisure Village East Condominium Association

and is located at:

1 Dumbarton Drive  
Lakewood, NJ 08701  
Ocean County

303-1118-2 11 5:31

3. The above named Respondent is hereby charged with **unlawful housing discrimination** within the meaning of the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.) and specifically within the meaning of N.J.S.A. 10:5-4 (x), 10:5-4.1(), and 10:5-12 (g) () of said law because of race (), creed (), color (), national origin (), ancestry (), sex (), nationality (), affectional or sexual orientation (), marital status () familial status (), **disability (X)**, source of lawful income used for rental or mortgage payments(), or reprisal

4. PERSONAL HARM:

Complainant alleges that since January 18, 2007, Respondent has refused to reasonably accommodate her because of her physical disabilities (rheumatoid arthritis, osteoporosis, and emphysema). Complainant alleges that Respondent has refused to move her parking space.

5. RESPONDENT'S REASON FOR ADVERSE ACTION:

Respondent advised Complainant that the layout of the parking lot is such that each person has to walk a reasonable distance to their respective parking spaces and visitor spaces.

6. DISCRIMINATION STATEMENT:

Complainant alleges that she is being unlawfully discriminated against because of her disabilities. Complainant alleges:

- A. Complainant requested the reasonable accommodation of having her parking space reassigned.
- B. Respondent denied Complainant's request in a letter dated January 18, 2007.
- C. On January 22, 2007, Complainant made another request for the reasonable accommodation of moving her parking space to Respondent.
- D. On January 24, 2007, Complainant visited Respondent's office and was told by Respondent's community manager that her request can not be granted.





STATE OF NEW JERSEY  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION ON CIVIL RIGHTS  
DCR DOCKET NO.: HQ14HT-06143  
REFERRAL NO.: 02-07-0285-8

\_\_\_\_\_  
RITA ANGERMEIER AND J. FRANK  
VESPA-PAPALEO, DIRECTOR, NEW  
JERSEY DIVISION ON CIVIL RIGHTS,

Complainants,

v.

LEISURE VILLAGE EAST ASSOCIATION, A  
NEW JERSEY NOT FOR PROFIT CORP.

Respondent,  
\_\_\_\_\_

### FINDING OF PROBABLE CAUSE

Consistent with a Verified Complaint filed on March 5, 2007, and Amendment to the Verified Complaint, the above-named Respondent has been charged with unlawful discrimination within the meaning of the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1, et seq.) and specifically within the meaning of N.J.S.A. 10:5-4, and 10:5-12(g) because of disability.

J. Frank Vespa-Papaleo (Director) is the Director of the Division on Civil Rights and, in the public interest, has intervened as a Complainant in this matter pursuant to N.J.A.C. 13:4-2.2(e).

### SUMMARY OF COMPLAINT

Complainant alleged that she was discriminated against based upon her disabilities (rheumatoid arthritis, osteoporosis, emphysema)<sup>1</sup> when Respondent, who was responsible for administering a condominium association, denied her request for a reasonable accommodation of moving or reassigning her parking space. Complainant alleged that due to her disabilities she has significant difficulty walking the distance to her current assigned parking space.

### SUMMARY OF RESPONSE

Respondent admitted that it refused to change Complainant's parking space and denied that such refusal constituted unlawful housing discrimination based on disability.

<sup>1</sup>Complainant utilizes a walker to aid in her mobility.



Respondent asserted that Complainant's parking space was deeded to her and that Respondent's master deed specifically designates the particular deeded space for Complainant's owned unit. Respondent further asserted that it was without authority to reassign parking spaces.

## **BACKGROUND**

Respondent, a condominium association for an active adult community, is located in Lakewood, Ocean County, New Jersey. Respondent administers 1412 ground-level condominiums which provide housing for approximately 2,500 residents. Complainant owns and resides at 1145B Argyll Circle, Lakewood, New Jersey, in one of the condominiums administered by Respondent. Complainant purchased the property on May 16, 2000. Respondent provides each condominium owner one parking space.

## **SUMMARY OF INVESTIGATION**

This investigation established sufficient evidence to support a reasonable suspicion that Complainant was subjected to unlawful discrimination when Respondent denied her request for a reasonable accommodation to have her parking space changed to accommodate her disabilities. The evidence further indicated that Respondent failed to adequately engage in an interactive process to determine a way to accommodate her reasonably.

The investigation revealed that in January 2007 the Complainant requested to Respondent to have her parking space changed in order to reasonably accommodate her disabilities. Complainant provided the Division's Investigator with a copy of a letter from Respondent's Community Manager Rick Fichter, dated January 18, 2007, who responded to her request. In his letter Mr. Fichter explained that he made a site inspection concerning Complainant's request to have her parking space moved. Mr. Fichter further explained the layout of the parking lot was such that each person had to walk a reasonable distance to their respective parking space and visitor space, and that he finds no compelling need to change the layout.

After Mr. Fichter denied Complainant's request, Complainant responded by forwarding a letter dated January 22, 2007, to Respondent's Board of Trustees. In this letter Complainant stated that she was requesting that her parking space be changed to the visitor space directly behind her home because of her disabilities. Complainant stated that because of the nature of her disabilities she could no longer walk the distance to her assigned parking space. Complainant advised the Board that she wanted to hire a contractor to install a back door in her unit if her request was granted. Complainant indicated that by having this back door installed, it would be approximately ten feet of walking distance to the requested parking space, instead of the walking distance of one

hundred and fifty feet to the current space. Moreover, during the investigation Complainant cited two other condominium owners who had back doors installed and parking spaces assigned in close proximity to those units.

Additionally, Complainant's physician, Philip Simone, M.D., in a letter dated March 16, 2007, supported the need for an accommodation concerning her disabilities that stated in part as follows:

*"Rita suffers from Rheumatoid Arthritis and Chronic Obstructive Pulmonary Disease, which limit her ability to walk. She has used a walker from time to time. Her condition will not improve as time goes by. Please make every effort to accommodate her physical needs."*

Notwithstanding, Respondent denied Complainant's request for an accommodation and considered it unreasonable. Respondent claimed that its master deed specifically designated the particular deeded space to Complainant's unit, and that Respondent does not have the authority to move parking spaces. Respondent provided a copy of the master deed recorded on December 15, 1971. An examination of the master deed revealed that the actual locations of parking spaces for assigned units are not designated. Complainant's unit, 1145B, was listed as located in building number 1145, and contained a front porch and parking space number 1145B. There was no specific reference of where that parking space was located. Additionally, Complainant provided a copy of the May 16, 2000, deed to her unit. This document also makes no designation as to the location of the parking space.

On June 8, 2007, the Division's Investigator conducted a field visit to Leisure Village East and met with Complainant. The Complainant walked with the Investigator to where her current parking space was located. The Investigator observed that Complainant had disabled license plates on her car, and that Complainant was short of breath and needed to rest before returning from the parking space to her unit. The Investigator estimated that it was approximately one hundred and fifty feet from her front door to her current parking space. However, if Complainant's parking space was moved to the rear of her unit and a back door was installed, the walking distance would be reduced to approximately ten feet.

Moreover, the investigator observed that there were two visitor parking spaces directly behind Complainant's unit which are labeled "SP" in yellow paint. The SP (special parking) designation in both spaces was painted over unit numbers which had been originally painted in white. One of these numbers was identical to Complainant's condominium unit number (1145B), which indicated that at some previous time period this parking space had been assigned to Complainant's unit.

**ANALYSIS**

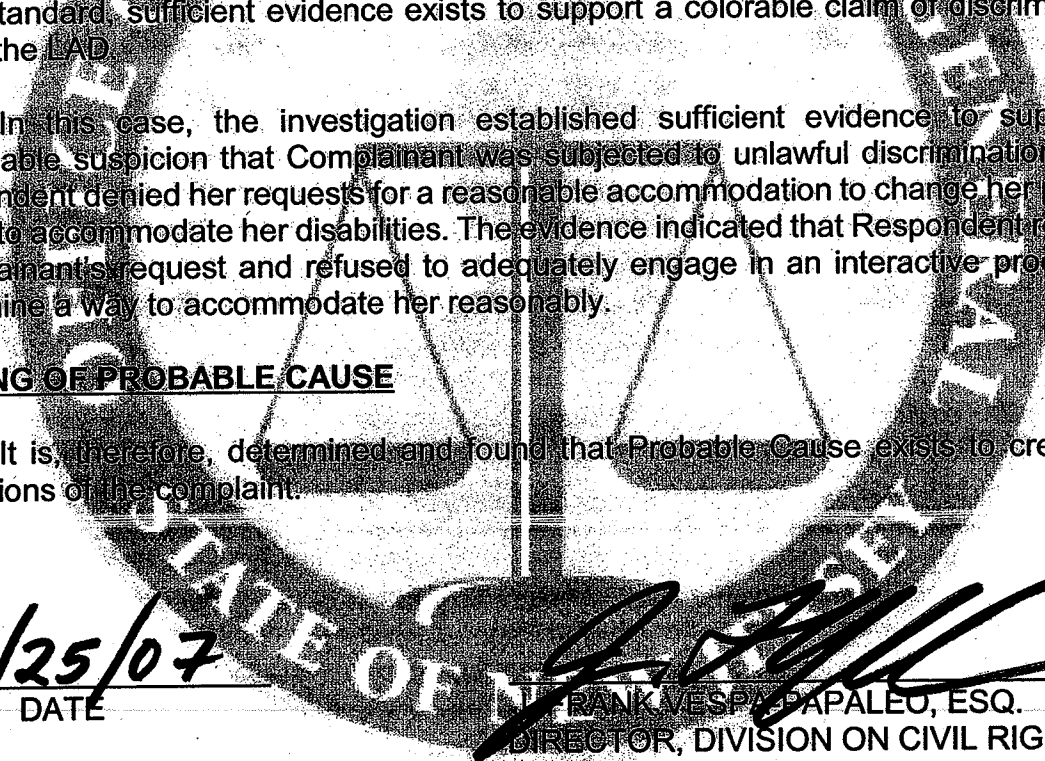
At the conclusion of the investigation, the Division is required to make a determination whether "probable cause" exists to credit a Complainant's allegation of discrimination. Probable cause has been described under the New Jersey Law Against Discrimination (LAD) as a reasonable ground for suspicion supported by facts and circumstances strong enough to warrant a cautious person to believe that the law was violated and that the matter should proceed to hearing. Frank v. Ivy Club, 228 N.J. Super. 40, 56 (App. Div. 1988), rev'd on other grounds, 120 N.J. 73 (1990), cert. den., 111 S.Ct. 799. A finding of probable cause is not an adjudication on the merits but, rather, an "initial culling-out process" whereby the Division makes a preliminary determination of whether further Division action is warranted. Sprague v. Glassboro State College, 161 N.J. Super. 218, 226 (App. Div. 1978). See also Frank v. Ivy Club, supra, 228 N.J. Super. at 56. In making this decision, the Division must consider whether, after applying the applicable legal standard, sufficient evidence exists to support a colorable claim of discrimination under the LAD.

In this case, the investigation established sufficient evidence to support a reasonable suspicion that Complainant was subjected to unlawful discrimination when Respondent denied her requests for a reasonable accommodation to change her parking space to accommodate her disabilities. The evidence indicated that Respondent rejected Complainant's request and refused to adequately engage in an interactive process to determine a way to accommodate her reasonably.

**FINDING OF PROBABLE CAUSE**

It is, therefore, determined and found that Probable Cause exists to credit the allegations of the complaint.

6/25/07  
DATE



FRANK VESPA PAPALETTO, ESQ.  
DIRECTOR, DIVISION ON CIVIL RIGHTS  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW & PUBLIC SAFETY



**ANNE MILGRAM**  
**ATTORNEY GENERAL OF NEW JERSEY**  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, NJ 07101  
Attorney for Complainant, Division on Civil Rights

**BARBARA MURPHY GABAT, and CHINH Q. LE, DIRECTOR ON CIVIL RIGHTS,**

**Complainants,**  
**vs.**

**LEISURE VILLAGE EAST ASSOCIATION, INC.,**

**Respondent.**

**STATE OF NEW JERSEY**  
**DEPARTMENT OF LAW**  
**AND PUBLIC SAFETY**  
**DIVISION ON CIVIL RIGHTS**

**AGENCY DOCKET NO. H-Q14HW-16104**

**OAL DOCKET NO. CRT 06849 2008S**

**Stipulation of Settlement and Dismissal, With Prejudice**

**WHEREAS**, on November 27, 2006, a verified Complaint was filed with the State of New Jersey, Division on Civil Rights ("the Division") by Complainant, Barbara Murphy-Gabat, ("Murphy-Gabat"), against Respondent, Leisure Village East Association, Inc. ("Respondent"), charging it with violating the New Jersey Law Against Discrimination ("LAD"); and,

**WHEREAS**, on April 10, 2007, the Division on Civil Rights issued a Finding of Probable Cause which credited the allegations in the Complaint against the Respondent;

**WHEREAS**, on April 10, 2007, the Verified Complaint was amended to include J. Frank Vespa-Papaleo, former Director<sup>1</sup> of the Division on Civil Rights, as a complainant<sup>2</sup>;

**WHEREAS**, the Respondent denied the allegations of the Complaint and the matter was therefore, transmitted to the Office of Administrative Law; and,

---

<sup>1</sup> Pursuant to **R. 4:34-4**, the current Director of the New Jersey Division on Civil Rights, Chinh Q. Le, is substituted in for former Acting Director, C. Carlos Bellido, and the former Director, J. Frank Vespa-Papaleo.

<sup>2</sup> Murphy-Gabat and Chinh Q. Le, Director, Division on Civil Rights, shall collectively be referred to as "Complainants".

~~WHEREAS, the parties commenced settlement discussions and desire to amicably~~  
settle the matter without the necessity and expense of further litigation;

**NOW THEREFORE**, in consideration of the promises and mutual obligations herein set forth, the parties hereby agree as follows:

1. The Respondent agrees that the scheduled bus service provided to residents of Leisure Village East shall employ a bus with a kneeling step, and which Murphy-Gabat may safely enter and exit with her walker, and upon which Murphy-Gabat may retain her walker while a passenger on the bus. In this regard, Murphy-Gabat hereby confirms that the "Mercedes Powered Freightliner" bus now utilized by the Respondent, satisfies the above requirements. Further, in this regard, should a bus provided in keeping herewith have additional accessibility features, such as a wheelchair lift or a wheelchair ramp, such additional accessibility features shall be available for Murphy-Gabat's use, at her discretion.

2. The Respondent has agreed to construct and maintain a new bus stop at the end of Murphy-Gabat's Street, which shall have a bench allowing individuals waiting for the bus to be seated. In this regard, Murphy Gabat hereby confirms that said bus stop, which has been so constructed, satisfies the above requirements.

3. The Respondent has developed and shall forthwith implement policies and procedures for addressing requests for reasonable accommodations. Complainants acknowledge that Respondent has developed the following attached copied policies, procedures and forms which shall be utilized when addressing requests for reasonable accommodation:

- a. "Notice of Right of Reasonable Accommodation" (**Exhibit A**).
- b. "Reasonable Accommodation Request Form" (**Exhibit B**).
- c. "Verification of Need for Reasonable Accommodation Request" (**Exhibit C**).<sup>3</sup>
- d. "Form Advising if Request for Reasonable Accommodation has been Granted or Denied and Advising of Right to Appeal" (**Exhibit D**).

---

<sup>3</sup> Requests for verification shall be made and all information obtained in response to said requests shall be maintained in accordance with the provisions of the law.

~~Respondent shall notify residents of the policies and procedures so adopted by posting said~~  
Exhibit A "Notice of Right of Reasonable Accommodation" in the place(s) at which  
Respondent posts public notices and other such Notice Requirements. If the above noted  
policies have not already been implemented and posted, Respondent agrees to do so within  
fourteen (14) days from the execution of this agreement.

4. Should respondent unreasonably fail to comply with the terms of this agreement, it shall pay all reasonable costs and expenses incurred in any further proceedings or steps necessary to collect or enforce the respective agreements herein as may be awarded by a court of competent jurisdiction. New Jersey law shall govern the enforcement of this agreement.

5. Appropriate training with regard to the requirements of the New Jersey Law Against Discrimination shall be made available to the Respondent, which Respondent may voluntarily arrange by contacting Philip Freeman, Assistant Director Division on Civil Rights, P.O. Box 089, 140 East Front Street, Trenton, NJ 08625, (609) 292-2918.

6. Consent to this Stipulation is not and shall not operate as an admission of liability or of any wrongdoing by Respondent or as an adjudication of any violation of the LAD, N.J.S.A. 10:5-1, et. seq. Respondent nonetheless agrees that all future decisions shall comply with N.J.S.A. 10:5-1, et. seq. and shall be conducted in a nondiscriminatory manner and shall not have the effect of unreasonably discriminating against any individual because of that persons status in a protected category, including but not limited to race, creed, color, sex, national origin, ancestry, marital status, affectional or sexual orientation, genetic information, liability for service in the Armed Forces of the United States , nationality or disability. Respondent will not engage in any retaliatory conduct against Murphy-Gabat or against any participant in these proceedings or allow any of its associates or employees to engage in any such conduct.

7. Murphy-Gabat , for and in consideration of the undertakings set forth herein, and intending to be legally bound and to hereby bind her successors and assigns, heirs,

~~executors and administrators hereto, does hereby REMISE, RELEASE AND FOREVER~~  
DISCHARGE the Respondent as well as its respective, employees, agents and predecessors,  
their successors and assigns, heirs, executors and administrators, of and from any and all  
manner of actions and causes of action, suits, debts, claims and demands, whatsoever in  
law or in equity, arising from and/or relating to the allegations of unlawful discrimination as  
set forth in the Verified Complaint DCR Docket No. HQ-14HW-06104 and OAL Docket No.  
CRT 06849-2008S.


8. Upon execution by all the parties, which includes the Director of the Division  
on Civil Rights, this Stipulation of Settlement and Dismissal shall operate as a complete and  
final disposition, with prejudice, of the charges contained in the above-noted Verified  
Complaint filed against the Respondent with the Division on Civil Rights subject only to the  
fulfillment of all the provision of this Agreement.

Dated \_\_\_\_\_, 2009

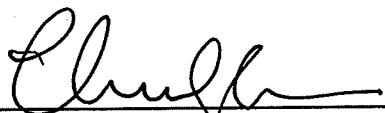
By:   
BARBARA MURPHY-GABAT

LEISURE VILLAGE EAST  
ASSOCIATION, INC.

Dated 11/12, 2009

By:   
MAUREEN MURNANE, President  
LEISURE VILLAGE EAST  
ASSOCIATION, INC. BOARD OF  
TRUSTEES

Dated 12/10/09, 2009

  
CHINH Q. LE,  
Director of the New Jersey  
Division of Civil Rights



# **Notice of Right of Reasonable Accommodation**

**TO:** All Residents of Leisure Village East

**From:** The Board of Trustees, Leisure Village East Association, Inc.

Dear Residents of Leisure Village East,

If you have a physical or mental impairment or disability, and you need.....

- A change in the rules or policies or in how we do things in order to enjoy or participate equally in the services, programs, facilities or common areas of Leisure Village East,
- A change in the way we communicate with you or give you information,
- A physical change to the facilities or common areas of Leisure Village East,

You may request this kind of change, which is called a Reasonable Accommodation.

## **Your Request**

If you can show that you have a disability or impairment that interferes with your use of our services, programs, facilities or common areas, and your request is reasonable, we will try to make the changes you request.

You can request this change by contacting our Community Manager, who can assist you in filling out a written Reasonable Accommodation Request Form.

## **Our Response**

We will give you a written response to your request within fourteen (14) days of our receipt of your Reasonable Accommodation Request Form, unless there is a problem in getting all the information needed or unless you agree to a longer time. We will let you know if we need either more information or verification of information or if we would like to talk with you about other ways to meet your needs.

If we turn down your request, we will explain the reasons in writing and you can give us more information, if you think that will help. You may also appeal our decision and we will tell you how.

## **Confidentiality/Retaliation**

All information you provide will be kept confidential and be used only with relation to our responding to your Reasonable Accommodation Request Form and it is illegal for us to deny you any services or retaliate against you because you made a Reasonable Accommodation Request.

---

Thank you,

The Board of Trustees

# Reasonable Accommodation Request Form.

I. The person requesting a reasonable accommodation is:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_

2. The reasonable accommodation requested is (please use the back of this form if additional space is needed to provide this information):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The physical or mental impairment(s) or disability(s) which causes the need for the reasonable accommodation requested is (please use the back of this form if additional space is needed to provide this information):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The names and addresses of physicians or medical providers who can verify the physical or mental impairment(s) or disability(s) which causes the need for the reasonable accommodation requested are (please use the back of this form if additional space is needed to provide this information):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please complete, date and sign a "Verification of Need for a Reasonable Accommodation" Form provided for each of the above physicians or medical providers". **All information which you provide or which is acquired from such physicians or medical providers will be kept confidential and be used only with relation to our responding to your Reasonable Accommodation Request Form.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

**VERIFICATION OF NEED FOR REASONABLE ACCOMMODATION REQUEST**

Dear \_\_\_\_\_

On the back of this page (page 2 hereof) is form signed by \_\_\_\_\_, (hereafter the applicant) asking you to verify his or her disability and the need for a reasonable accommodation.

State and federal laws require that we make reasonable changes to policies, practices, procedures and/or physical changes to common areas of Leisure Village East if such changes are necessary to enable a person with a disability to have equal access to, and enjoyment of Leisure Village East. Please note that such changes must be necessary as a result of the person's disability.

Please indicate on the form whether you believe that the applicant has a disability (as defined in the question) and whether the accommodation requested is necessary and will achieve its purpose. Please also feel free to add any additional information or suggestions that would be helpful in making the right accommodation for the applicant. **But, note: This form should not be used to discuss any diagnosis or any other information that is not directly relevant to the request for accommodation.**

Please return this Form to:

Attn: Community Manager  
Leisure Village East Association, Inc.  
Administration Building  
One Dumbarton Drive  
Lakewood, NJ 08701-6999

If you have any questions, feel free to call the Community Manager at (732) 477-7900, ext. 101.

Thank you very much for your assistance,

Sincerely,  
LEISURE VILLAGE EAST ASSOCIATION, INC.

By: \_\_\_\_\_

**VERIFICATION OF NEED FOR REASONABLE ACCOMMODATION REQUEST (continued)**

**From: Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Phone:** (\_\_\_\_) \_\_\_\_\_

**To:** \_\_\_\_\_  
(Name and address of the physician's or medical provider requested to provide information)

**I have requested the following accommodation(s):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby request and authorize you to provide the following protected health information to:

Attn: Community Manager  
Leisure Village East Association, Inc.  
Administration Building  
One Dumbarton Drive  
Lakewood, NJ 08701-6999

I understand that I have the right to revoke this authorization at any time. I understand that my revocation must be in writing and addressed to the privacy officer of the above named physician, medical provider or facility authorized to make this disclosure. I understand that the revocation does not apply to information that has already been released in response to this authorization. Unless otherwise revoked, this authorization will expire in six (6) months. I understand that any disclosure of information may be subject to re-disclosure by the recipient unless protected by federal or state law. I understand that I need not sign this authorization to assure treatment. I understand that I may inspect and/or copy the information to be disclosed. I understand that authorizing this disclosure is voluntary. I understand that if I have any questions about disclosure of my health information, I may contact the privacy officer at the facility listed above that is authorized to disclose this information and request a copy of this authorization. I understand that my health record may include information pertaining to the treatment of drug and alcohol abuse, mental illness, acquired immunodeficiency syndrome (AIDS) or human immunodeficiency virus (HIV), sexually transmitted diseases, tuberculosis or genetics. **IF YOU DO NOT WISH THIS INFORMATION TO BE RELEASED, PLEASE INITIAL, DO NOT RELEASE.** \_\_\_\_\_

**Dated:** \_\_\_\_\_  
(Applicant's Signature)

(a) Do you believe that the applicant has a physical or mental impairment that limits a major life activity? ( ) Yes ( ) No

(b) If your answer to (a) above is "Yes", please provide a brief description of said physical or mental impairment below:  
\_\_\_\_\_  
\_\_\_\_\_

(c) Do you believe the requested accommodation(s) is necessary and will achieve its stated purpose? ( ) Yes ( ) No

(d) Please set forth any additional information that you believe to be helpful or relevant to this request for accommodation(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Dated:** \_\_\_\_\_  
(Physician's or Medical Provider's signature)

\_\_\_\_\_  
(Print name of Person whose signature is inscribed above)

**Form Advising If Request for Reasonable Accommodation Has Been Granted or Denied and  
Advising of Right to Appeal.**

**To:** \_\_\_\_\_  
(The person requesting a reasonable accommodation)

\_\_\_\_\_  
(Address)

**VIA REGULAR AND CERTIFIED MAIL, RRR**

**From:** **Community Manager**  
**Leisure Village East Association, Inc.**  
**Administration Building**  
**One Dumbarton Drive**  
**Lakewood, NJ 08701-6999**

You requested that accommodation as set forth in the attached Reasonable Accommodation Request Form.

- ( ) Your request has been granted and we expect to complete/implement your request by the following date: \_\_\_\_\_.
- ( ) Your request has been granted and we expect to complete/implement your request by the following date \_\_\_\_\_  
and under the following conditions: \_\_\_\_\_

- ( ) Your request has been denied because:
  - ( ) You have not established that you meet the definition of a person with a disability and Leisure Village East Association, Inc. is not required to provide a reasonable accommodation.
  - ( ) The accommodation you requested is not reasonable because:
    - ( ) You do not need this accommodation(s) in order to enjoy or participate equally in services, programs, facilities or common areas of Leisure Village East.
    - ( ) It will cost too much money and/or is more work than the Leisure Village Staff can do (an undue financial or administrative burden).
  - ( ) Other and/or additional reason(s) for denying your request: \_\_\_\_\_

The facts, including documents reviewed, people spoken with and other relevant aspects of the process followed in making the decision to deny your request were as follows: \_\_\_\_\_

**Next Steps:** If you disagree with this decision or have any questions, you may contact the Community Manager at the above address and/or via telephone at (732) 477 7900. Ext. 101. If you are still unhappy with the results, you may present a written appeal of this decision for hearing before the Board of Trustees of Leisure Village East Association, Inc., which written appeal should be mailed or hand delivered to the Board, as follows: Attn: Board of Trustees of Leisure Village East Association, Inc., Administration Building, One Dumbarton Drive, Lakewood, NJ 08701-6999

Dated: \_\_\_\_\_

\_\_\_\_\_  
Community Manager

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION ON CIVIL RIGHTS  
DOCKET NUMBER: HQ14HW-06104

BARBARA A. MURPHY-GABAT, )  
COMPLAINANT. )  
-vs- )  
LEISURE VILLAGE EAST, )  
ADULT COMMUNITY )  
RESPONDENT. )

VERIFIED COMPLAINT

Received and Recorded  
Date: 11/27/06  
Department of Law and Public Safety  
Division on Civil Rights  
By: Charles A. Washington

1. The Complainant resides at:

1222 B Argyll Circle  
Lakewood, NJ 08701  
Ocean County

2. To the best of Complainants' knowledge and belief, the Respondent is known as:

Leisure Village East Adult Community

and is located at:

1 Dumburton Drive  
Lakewood, NJ 08701-6666  
Ocean County

3. The above named Respondents are hereby charged with **unlawful housing discrimination** within the meaning of the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.) and specifically within the meaning of N.J.S.A. 10:5-4 (x), 10:5-4.1(), and 10:5-12 (g) () of said law because of race (), creed (), color (), national origin (), ancestry (), sex (), nationality (), affectional or sexual orientation (), marital status () familial status (), **disability (X)**, source of lawful income used for rental or mortgage payments(), or reprisal

4. PERSONAL HARM:

Complainant alleges that Respondent denied her request for a reasonable accommodation for her physical disabilities (Deep Vein Thrombosis and a Herniated Disk).

5. RESPONDENT'S REASON FOR ADVERSE ACTION:

Respondent gave no reason for adverse action.

6. DISCRIMINATION STATEMENT:

Complainant alleges Respondent denied her request for a reasonable accommodation for her physical disabilities. Specifically, Complainant alleges on or about October 2006 she was unable to board a bus leased by Respondent specifically for residents due to her physical disabilities. Complainant alleges in or around October 2006 she made a request to Respondent's manager, Rick Fichter, to change the style of the bus to one with kneeling capability as an accommodation to her disabilities. Complainant alleges Mr. Richter stated, "I'm not changing the bus."

- 7. Said acts of discrimination occurred in the County of **Ocean** in the of State of New Jersey.
- 8. Complainant requests whatever relief is provided by law including, but not limited to, compensatory damages for economic loss, humiliation, and mental pain and suffering.
- 9. Complainant has not instituted action in any court, either criminal or civil, regarding this matter.

*Barbara A Murphy-Gabat*  
 \_\_\_\_\_  
 COMPLAINANT

STATE OF NEW JERSEY            )  
   ) SS:  
 COUNTY OF OCEAN                 )

I, Barbara A. Murphy-Gabat of full age, being duly sworn according to law depose and say; that she is the Complainant herein; that she has read the foregoing Complaint and know the content thereof: that to the best of her knowledge, information and belief, the facts alleged therein are true.

*Barbara A Murphy-Gabat*  
 \_\_\_\_\_  
 COMPLAINANT

Sworn to and subscribed before me

this 16<sup>th</sup> day of November 2006.

*Natalie C. Abrams*  
 \_\_\_\_\_  
 NOTARY PUBLIC OF NEW JERSEY

NATALIE C. ABRAMS  
 NOTARY PUBLIC  
 STATE OF NEW JERSEY  
 MY COMMISSION EXPIRES JUNE 12, 2011





STATE OF NEW JERSEY  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION ON CIVIL RIGHTS  
DCR DOCKET NO.: HQ14HW-06104  
HUD NO.: 02-07-0236-8

BARBARA A. MURPHY-GABAT, AND  
J. FRANK VESPA-PAPALEO, DIRECTOR,  
NEW JERSEY DIVISION ON CIVIL RIGHTS,

Complainants,

v.

LEISURE VILLAGE EAST ASSOCIATION

Respondent.

**FINDING OF PROBABLE CAUSE**

Consistent with a Verified Complaint filed on November 27, 2006, and Amendment to the Verified Complaint, the above-named Respondent has been charged with unlawful discrimination within the meaning of the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1, et seq.) and specifically within the meaning of N.J.S.A. 10:5-4 and 10:5-12 (g) because of disability.

J. Frank Vespa-Papaleo (Director) is the Director of the Division on Civil Rights and, in the public interest, has intervened as a Complainant in this matter pursuant to N.J.A.C. 13:4-2.2 (e).

**SUMMARY OF COMPLAINT**

Complainant alleged that she was discriminated against because of her disabilities (Deep Vein Thrombosis and Herniated Disk),<sup>1</sup> when Respondent denied her request for a reasonable accommodation. Complainant alleged that due to her disabilities, she was unable to board a bus leased by Respondent (a condominium association) for the daily purpose of transporting community residents to various stores and services for everyday life. Complainant alleged she made a reasonable accommodation request to Respondent's Community Manager, Rick Fichter, to change the style of the new bus leased to one with kneeling capability. Complainant claimed the former bus leased by Respondent had the capability of lowering the height of the first step onto the bus, making it accessible for disabled residents. However, Mr. Fichter denied Complainant's request for this reasonable accommodation.

**SUMMARY OF RESPONSE**

Respondent denied committing any acts of unlawful discrimination against the Complainant because of her disability or any other condition or status of Complainant. Respondent asserted that

<sup>1</sup>Complainant utilizes a cane and occasionally a walker, to aid in her mobility.

Complainant's request for an accommodation was unreasonable and it rejected her request to change the style of the bus to one with kneeling capability. Respondent asserted that the new bus it had in service provided the community with many amenities which had been requested by residents. Respondent further asserted that Complainant was advised of the existence of an alternative bus stop which it said would readily accommodate her condition.

### **BACKGROUND**

Respondent, a condominium association for an active adult community, is located in Lakewood, Ocean County, New Jersey. Respondent administers 1412 ground-level condominiums which provide housing for approximately 2,500 residents. Rick Fichter is Respondent's Community Manager. Complainant resides at 1222 B Argyll Circle, Lakewood, New Jersey, in one of the condominiums administered by Respondent.

Respondent provides its residents with daily leased bus service for transportation to shopping malls (Shop-Rite, Pathmark, Wal-Mart, Target etc...), and for other functions such as attending church and post office matters.

### **SUMMARY OF INVESTIGATION**

This investigation established sufficient evidence to support a reasonable suspicion that Complainant was subjected to unlawful discrimination when Respondent denied her request for a reasonable accommodation to lease an accessible bus to accommodate her disabilities. The evidence further indicated that Respondent failed to adequately engage in an interactive process to determine a way to accommodate her reasonably.

The investigation revealed that Respondent provides its residents with daily bus service leased from the Loom Bus Company. During an interview with the Division's Investigator, Complainant explained that in the early part of 2006, Respondent entered into a lease agreement on a new bus. Complainant stated that her physical disabilities precluded her from using this new bus because it did not have kneeling capacity or an activated lower step like the former bus leased by Respondent. In a letter dated October 8, 2006, Complainant made a formal request to the Leisure Village East Board of Directors for a reasonable accommodation, which stated in part as follows:

*"I have a complaint about the new style of bus for the residents . . . While the seats are comfortable it is very hard to board the bus. The steps cannot be lowered so that those of us that are disabled cannot board without difficulty . . . Because I must use a cane I cannot take my walker on wheels which also has a seat when I get tired I can sit down. I know this cannot go on the bus so I must use a cane. It is difficult but it's the only way I can go out when I would like to go to the shopping mall. One of the woman*

*passengers was kind enough to offer her hand to help pull me up on the bus. It's very upsetting when I can no longer do for yourself. This is an Adult Community and some of us are disabled or must be careful we do not fall or get hurt trying to enjoy a day out . . . I spoke with Rick several times over the problems with the new bus and he told me I'm not giving the bus back."*

With respect to Complainant's appeal for a reasonable accommodation, Respondent asserted that Complainant's request for an accommodation was considered unreasonable and it declined to change the style of the new bus to one with kneeling capability.

The Investigation disclosed that Respondent entered into a three-year bus lease with Loori Bus Company from March 15, 2006 to March 14, 2009. During an interview with the Division's Investigator, Michael Loori, co-owner, indicated that Respondent is paying approximately \$325 a day for the bus currently in use. Mr. Loori stated that it would cost Respondent approximately an additional \$50 a day to lease a bus with kneeling capability. Interestingly, the former bus leased by Respondent had an activated lower step which enabled Complainant accessibility to board the bus. Moreover, during the investigation Respondent provided no evidence to support its contention that the new bus (without kneeling capability) had other amenities which had been requested by residents.

Further investigation disclosed that Complainant expressed to Respondent her difficulty with boarding the new bus at the "Barton Hall" stop due to the absence of a curb, which would provide her more height to reach the first step of the bus. Respondent maintained that Complainant was advised of the existence of an alternative bus stop which would readily accommodate her condition. Respondent stated that the subject bus stop at "Barton Hall" is 620' from Complainant's residence. Respondent asserted that it appeared that the "new bus" was less accessible to Complainant at the "Barton Hall" stop, due to the absence of a curb, which necessitated that a passenger "step up" to board the bus. Respondent maintained that the alternative stop though 30' further from Complainant's residence, had a curb and presented a reasonable accommodation. Additionally, Respondent asserted that it subsequently moved its bus stop at "Barton Hall" to a location where it installed a new curb to accommodate Complainant and also installed a left side handle on the bus to facilitate her access.

Complainant did not dispute that Respondent attempted to accommodate her disability with the above described alternative bus stops. However, Complainant contended that the distance from her residence to the alternative bus stop was approximately 60' further from her residence, not 30' as claimed by Respondent. With respect to the new bus stop created at "Barton Hall," this required Complainant to walk an extra distance of 80' to the new location. Complainant rejected these accommodation attempts by Respondent based on the greater walking distance (Complainant utilizes a cane and/or walker to aid in her mobility) and the difficulty of boarding the bus even with curbs and a bus door handle present. Complainant further asserted that Respondent's proposed accommodations were unacceptable because she still could not board the bus due to her disabilities and without the bus having kneeling capability. Additionally, Respondent could not guarantee there would be a curb available at all bus stops and Complainant was frequently dropped off at shopping malls and other locations without curbs, where the need for a bus with kneeling capability would be required.

**ANALYSIS**


At the conclusion of the investigation, the Division is required to make a determination whether "probable cause" exists to credit a Complainant's allegation of discrimination. Probable cause has been described under the New Jersey Law Against Discrimination (LAD) as a reasonable ground for suspicion supported by facts and circumstances strong enough to warrant a cautious person to believe that the law was violated and that the matter should proceed to hearing. Frank v. Ivy Club, 228 N.J. Super. 40, 56 (App. Div. 1988), rev'd on other grounds, 120 N.J. 73 (1990), cert. den., 111 S.Ct. 799. A finding of probable cause is not an adjudication on the merits but, rather, an "initial culling-out process" whereby the Division makes a preliminary determination of whether further Division action is warranted. Sprague v. Glassboro State College, 161 N.J. Super. 218, 226 (App. Div. 1978). See also Frank v. Ivy Club, supra, 228 N.J. Super. at 56. In making this decision, the Division must consider whether, after applying the applicable legal standard, sufficient evidence exists to support a colorable claim of discrimination under the LAD.

In this case, the investigation established sufficient evidence to support a reasonable suspicion that Complainant was subjected to unlawful discrimination when Respondent denied her request for a reasonable accommodation to lease an accessible bus to accommodate her disabilities. The evidence indicated that Respondent rejected Complainant's request and refused to adequately engage in an interactive process to determine a way to accommodate her reasonably.

**FINDING OF PROBABLE CAUSE**

It is, therefore, determined and found that Probable Cause exists to credit the allegations of the complaint.

4/10/07  
DATE

  
J. FRANK VESPA PAPALEO, ESQ.  
DIRECTOR, DIVISION ON CIVIL RIGHTS  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW & PUBLIC SAFETY