

CHINH Q. LE, DIRECTOR
NEW JERSEY DIVISION ON CIVIL RIGHTS
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW & PUBLIC SAFETY
DCR DOCKET NO. EGWB-60616
EEOC REFERRAL NO.17E-2009-00346

GLADYS RIVERA and CHINH Q. LE,
DIRECTOR,

Complainants,

v.

MCD Northern Café Corp.,

Respondent.

CONSENT ORDER AND DECREE

I. DEFINITIONS

- A. "Complainants" mean the above named complainants in this matter.
- B. "Law Against Discrimination" means the Law Against Discrimination as codified by N.J.S.A. 10:5-1 to -42.
- C. "Respondent" means the above named respondent in this matter.

II. STATEMENT OF PRINCIPLES

- A. Whereas Chinh Q. Le, Director of the New Jersey Division on Civil Rights and, in the public interest, intervened as a complainant in this matter pursuant to N.J.A.C. 13:4-2.2 (e) and,

- B. Whereas Respondent and the Division on Civil Rights desire to assure that Respondents' hiring, employment, and dismissal practices have fully afforded equal employment opportunities in compliance with the Law Against Discrimination.
- C. All recruiting, processing, hiring, dismissals and other employment practices shall be maintained and conducted in a manner which does not discriminate or have the effect of discrimination on the basis of race, color, creed, national origin, nationality, age, disability, sex, ancestry, marital status, affectional or sexual orientation, civil union, gender identity or expression, atypical hereditary cellular or blood trait or liability for service in the Armed Forces of the United States.
- D. Respondent, by signing this Consent Order and Decree does not admit that they have violated the Law Against Discrimination. Respondent vigorously disputes the allegations made by Complainant, and is signing this Consent Order to avoid the costs and uncertainties associated with litigation.
- E. The specific actions which are set forth herein are appropriate to the objectives of providing equal opportunities.
- F. The Division on Civil Rights certifies that the execution and implementation of this Consent Order and Decree is proper and authorized under its mandates.

III. REMEDIAL ACTIONS

- A. Respondent shall henceforth cease and desist from doing any act prohibited by the Law Against Discrimination.
- B. In exchange for Complainant executing and returning the Release and Waiver attached hereto as Exhibit "A", Respondent shall also compensate Complainant the lump sum of Ten Thousand dollars (\$10,000.00) (the "Settlement Payment"). The Settlement Payment is designed to compensate Complainant for alleged non-economic damages. Respondent shall issue an IRS form 1099 in Complainant's name, for the value of the Settlement Payment.
- D. Respondent shall provide the Settlement Payment within fifteen business days after it receives the fully executed Consent Order and Decree and the Release and Waiver attached hereto at Exhibit "A". The Settlement Payment shall be mailed to the attention of Waleska Lucas, at the Division on Civil Rights, P.O. Box 46001, Newark, New Jersey 07102, who will in turn, deliver it to Complainant.
- F. Additionally, Respondent shall compensate the New Jersey Division on Civil Rights a total amount of Five Thousand dollars (\$5,000.00) for administrative costs attendant to the processing of this matter and in lieu of the statutory penalties to which the Division would be

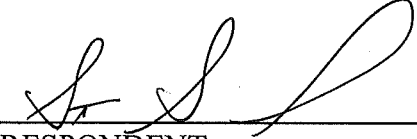
entitled if this matter were litigated before the Office of Administrative Law and Complainant's claims were found to have merit. This amount shall be paid by a check payable to the Treasurer, State of New Jersey, and shall be delivered to Waleska Lucas, at the Division on Civil Rights, P.O. Box 46001, Newark, New Jersey 07102. Respondent will deliver this check within fifteen (15) business days after the execution of the Consent Order and Decree..

IV. ENFORCEMENT

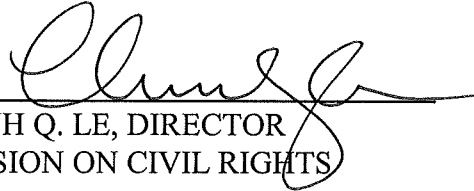
- A. This Consent Order and Decree shall have the same force and effect as a cease and desist order issued by the Director pursuant to N.J.S.A. 10:5 19, and shall operate as a complete and final disposition of the aforesaid verified complaint and Complainant's EEOC charge subject only to the fulfillment of all the foregoing provisions.
- B. In the event that Respondent defaults with respect to any provisions herein, Respondent hereby consents to the entry of this consent order and decree in the Chancery Division of the Superior Court of New Jersey, thereby making this consent order and decree an order of the court for purposes of enforcement therein.


GLADYS RIVERA
COMPLAINANT

7/24/2010
DATE


RESPONDENT

8-16-2010
DATE


CHINH Q. LE, DIRECTOR
DIVISION ON CIVIL RIGHTS

09-07-10
DATE