



Department of County Administration
OFFICE OF HUMAN RIGHTS

C. Vernon Gray, Administrator

May 4, 2007

Ms. Kristine Koumentakos
12704 Chilton Circle
Silver Spring, Maryland 20904

Re: Koumentakos v. St. Matthews Housing Development, Inc.
OHR Case Number: 06-04-023

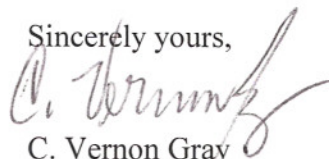
Dear Ms. Koumentakos:

Enclosed is the Office of Human Rights Written Findings concerning the complaint you filed in this Office alleging discrimination against you by St. Matthew Housing Development, Inc., on the basis of sex (pregnancy) as violation of Section 12.200-12.218 of the Howard County Code.

This Office, after investigation, found there was sufficient evidence to support your allegations of discrimination based on sex (pregnancy). Therefore, there is reasonable cause to believe discrimination occurred on the foregoing basis. Within 30 days of this Finding of Reasonable Cause efforts toward conciliation will be initiated. You will be advised and consulted in the scheduling of any meetings necessary to achieve a resolution.

If you have any questions, please feel free to contact this office.

Sincerely yours,



C. Vernon Gray
Administrator

Enclosures

cc: Mindy G. Farber, Esquire
E. Alexander Adams, Esquire

CERTIFIED MAIL RETURN RECEIPT REQUESTED
"NOTIFICATION OF FINDINGS LETTER" SENT TO CP BY REGULAR MAIL

**HOWARD COUNTY OFFICE OF HUMAN RIGHTS
WRITTEN FINDINGS
OF
REASONABLE CAUSE**

IN THE MATTER OF:

Ms. Kristine Koumentakos
12704 Chilton Circle
Silver Spring, Maryland 20904
Complainant

St. Matthew Housing Development, Inc.
7261 Eden Brook Drive
Columbia, Maryland 21046
Respondent

OHR Case Number 06-04-023

Mindy G. Farber, Esquire
Farber Legal, LLC
One Central Plaza, Suite 808
11300 Rockville Pike
Rockville, MD 20852
Complainant's Representative

E. Alexander Adams, Esquire
Adams & Adams
5300 Dorsey Hall Drive, Suite 200A
Ellicott City, Maryland 21042
Respondent's Representative

Date of Filing: April 5, 2006
Date of Authorization: April 20, 2006
Date of Finding: May 4, 2007

* * * * *

JURISDICTION

The charge of alleged employment discrimination, on the basis of sex (pregnancy) by Ms. Kristine Koumentakos (hereinafter Cp) was filed against St. Matthew Housing Development, Inc. (hereinafter Rp), on April 5, 2006, with the Howard County Office of Human Rights (hereinafter OHR). On April 20, 2006, this charge was authorized for investigation. It was investigated by the OHR pursuant to Section 12.200-12.218 of the Howard County Code.

Cp is alleging a violation of Section 12.208 of the Howard County Code. Cp filed the charge within six months of the alleged discrimination as called for in Section 12.212 I (a) of the Howard County Code. Rp is an employer as defined in Section 12.208 I. (d) of the Howard County Code. Rp is in the business of providing low income housing. The evidence contradicts Rp's assertion that it did not employ the minimum five (5) employees required for OHR to investigate this matter. Accordingly, Rp had the requisite number of employees in Howard County at the time the complaint was filed to satisfy jurisdictional requirements for OHR.

I. SUMMARY OF WRITTEN FINDINGS OF INVESTIGATION

Reasonable Cause – Sex: (Pregnancy)

OHR finds reasonable cause to believe that Cp was discriminated against on the basis of sex (pregnancy). The investigation reveals that Father Raymond Velencia, President of St. Matthews Housing Development, Inc., on or about February 3, 2006 ordered Cp to take maternity leave. On or about February 8, 2006, Father Velencia terminated Cp.

- A. Rp presented no evidence that Cp's pregnancy was preventing her from performing her duties as Executive Director. To the contrary, evidence shows that Father Velencia expressed nothing but praise for Cp's performance up until the time he terminated Cp.
- B. Board minutes show that Father Velencia and the Board members approved Cp's proposal to work from home during the latter stages of her pregnancy and for a period of time after the birth of her child. Moreover, during the period of time in which Cp worked under the conditions of this accommodation, Father Velencia continued to express praise for the quality of Cp's work.
- C. The evidence obtained and reviewed during this investigation contradicts Father Velencia's assertion that he terminated Cp for poor job performance and attendance.

II. COMPLAINANT'S SUMMARIZED ALLEGATIONS

Cp alleges that she was discriminated against based on her sex (pregnancy) when Rp ordered her to take a mandatory maternity leave and then terminated her employment a few days later.

III. RESPONDENT'S SUMMARIZED REPLY

Rp does not deny Cp's allegation that it discriminated against Cp on the basis of sex. Rp claims that, because it has less than five employees, therefore, the Office of Human Rights (OHR) has no jurisdiction to pursue this matter.

IV. THEORIES OF DISCRIMINATION

Sex

- A. Cp alleges she is a member of a protected class, sex (female-pregnancy). She was pregnant.

- B. Cp alleges that she was qualified in the position and performing the duties of Executive Director, and that her performance satisfied the expectations of her employer.
- C. Cp alleges that there is a causal connection between her sex (female-pregnancy) and the negative employment actions taken against her by Rp, up to and including her termination.

V. FACTUAL BACKGROUND

- A. On or about February 8, 2006, Cp was terminated by Rp.
- B. On April 5, 2006, subject complaint was filed by Cp with OHR.
- C. On April 20, 2006, this complaint was authorized for investigation.

VI. COMPLAINANT'S SPECIFIC ALLEGATIONS

Allegation Number 1 – I have associated with St. Matthew House since 1995, first as a volunteer and contractual employee and then hired as a Case Manager in 1999. I became Executive Director in July, 2004. I announced my pregnancy in August, 2005. On February 8, 2006, two weeks after the birth of my son, I was terminated.

Finding Number 1 – OHR's investigation substantiates this allegation. This allegation is supported by written statements from Board members, church members, and various emails reviewed during this investigation. (See, Summary of Written Findings of Investigation).

Allegation Number 2 – I believe that I have been discriminated against in violation of Section 12.208 of the Howard County Code with respect to terms and conditions of my employment and termination due to my sex (pregnancy).

Finding Number 2 – OHR's investigation substantiates this allegation. The investigation reveals that Father Raymond Velencia, President of St. Matthews Housing Development, Inc. on or about February 3, 2006 ordered Cp to take maternity leave. In an e-mail to Cp dated February 3, 2006, Father Velencia states in pertinent part that:

...You are the Executive Director and I am the President of the Board who has the direct responsibility to supervise you...Direct communication between you and me will be the course we will follow from here on...Maternity leave is just that—leave. It is not a time for an employee to continue working in any capacity. The quasi leave you were attempting to execute is not fair to you, to your newborn son, nor appropriate or helpful in any way for the work place...Suffice it to say that for at least the next ten weeks or more from

January 23rd, the date of [child's] birth, you are on maternity leave. Again, so that there is no confusion about what maternity leave means let me clarify fully...Maternity leave means not working..."

In the February 3, 2006 e-mail, Father Velencia also ordered Cp to return all St. Matthew House documents and the laptop computer by February 7, 2006. In a letter dated February 8, 2006, Father Velencia stated, "I am informing you of my decision to terminate your employment with St. Matthew Housing Development, Inc. as of Thursday, February 8, 2006. See, Summary of Written Findings of Investigation, and Finding Number 1).

Allegation Number 3 – I had been a long term employee with only accolades, positive feedback and bonuses until this situation.

Finding Number 3 – OHR's investigation substantiates this allegation. In a letter dated January 25, 2007, to the investigator on alleged pastoral misconduct filed against Father Velencia, Ms. Andrea S. Ingram states in pertinent part:

....I became a member of St. Matthew House Board at the request of Father Ray Velencia...For the entire course of my tenure on the Board, Father Ray and indeed all of the Board members had nothing but the highest praise for [Cp's] performance. It certainly was my personal observation and experience that [Cp] was a dedicated, competent, diligent and hardworking professional. Father Ray frequently praised and thanked [Cp] at Board meetings for her performance and recommended and/or supported modest annual bonuses for her which the Board always endorsed. She was also given increasing responsibility due to her demonstrated effectiveness and competence over the years that I was involved.

....Given the above, it came as a complete surprise to me when Father Ray suddenly and quite vehemently voiced his displeasure with [Cp's] performance and attendance at work. He used very strong language including accusing [Cp] of lying about a number of very important matters. At the same time, vicious emails emanated from the three ladies...who had been given positions in the house...they had been urging [Cp] to leave her job...during the course of her pregnancy...it seemed that Father Ray rather suddenly also wanted [Cp] to leave and supported the quite vicious actions of these ladies...This was quite an unexpected turn of events given Father Ray's longstanding apparent satisfaction with [Cp's] performance...I advised Father Ray that it would be a hard sell to the Board that all of a sudden [Cp's] performance was grossly unacceptable...I personally found his accusations unsupportable... Father Ray abruptly fired [Cp] without informing the Board ahead of time.

In a notarized statement dated March 1, 2006, Ms. Ann Thomas Wicke states in pertinent part:

At the time...I had been on the Board nearly 10 years, from its early inception through construction and occupation. [Cp] began at the earliest stage as unpaid volunteer who did the actually shepherding through to delivery of the grant to HUD, and became an employee only as the building was ready to be occupied. In all of these years there was never any question by the Board of the quantity and quality of her work, her professionalism and her achievements. She has been meticulous in her record keeping and responsibilities with HUD. Indeed, she has often gone well beyond her actual responsibilities and work hours. She has conducted herself with the highest standards of integrity and professionalism.

(See, Summary of Written Findings of Investigation, and Finding Number 1 and 2).

Allegation Number 4 – After announcing my pregnancy I was harassed by a subordinate employee, Therese Thomas, with increasing frequency and intensity who said things like, “I’m hearing from the holy spirit” that I should leave my job, stay at home with my baby and turn my duties over to a younger single employee, Jennifer Byrnes.

Finding Number 4 – OHR’s investigation substantiates this allegation. This allegation is supported by written statements from Board members, church members, and various emails reviewed during this investigation. (See, Summary of Written Findings of Investigation, and Finding Number 1, 2, and 3).

Allegation Number 5 – At first I attempted to handle the harassment on my own to no avail. I then reported it to Fr. Raymond Velencia, President of the Board, who ignored me and eventually joined in the harassment.

Finding Number 5 – OHR’s investigation substantiates this allegation. This allegation is supported by written statements from Board members, church members, and various emails reviewed during this investigation. (See, Summary of Written Findings of Investigation, and Finding Number 1, 2, 3 and 4).

Allegation Number 6 – The situation escalated in November, 2005 when I was put on bed rest. Three subordinates began to exhibit insubordination, deception and increased harassment urging me to stay at home and leave the job. Jennifer Byrnes and Therese Thomas attempted to position Jennifer to take my job. Jean Byrnes warned that when people

do not listen to Therese "bad things happen." She went so far as to state that I was not their employer, God was. I reported this to Fr. Ray and the Board.

Finding Number 6 – OHR's investigation substantiates this allegation. This allegation is supported by written statements from Board members, church members, and various emails reviewed during this investigation. (See, Summary of Written Findings of Investigation, and Finding Number 1, 2, 3, 4 and 5).

Allegation Number 7 – On January 10, 2006 I had a personal disagreement unrelated to my duties. (I disagreed with Fr. Ray's plan to use St. Matthew House as collateral to secure a loan to build a new church). Fr. Ray suddenly began to question my job performance, attendance, integrity, honesty and also began to make unrealistic and punitive demands. He slandered me to church members and violated personal/professional confidentiality to church and Board members.

Finding Number 7 – OHR's investigation substantiates this allegation. This allegation is supported by written statements from Board members, church members, and various emails reviewed during this investigation. (See, Summary of Written Findings of Investigation, and Finding Number 1, 2, 3, 4, 5 and 6).

Allegation Number 8 – I directed Therese Thomas to make a bank deposit, but she refused. When I reminded her of her job responsibilities she and the other two subordinates tendered their resignations, which I accepted.

Finding Number 8 – OHR's investigation substantiates this allegation. In an e-mail to Cp dated February 3, 2006, Father Velencia acknowledges the resignations by the three employees. He states in pertinent part that; "...Finally as regards, the three staff members who have resigned, they have agreed to stay on through your maternity leave under the condition set forth, that you are actually on maternity leave not the quasi work/leave situation you intended." (See, Summary of Written Findings of Investigation, and Finding Number 1, 2, 3, 4, 5, 6 and t).

Allegation Number 9 – However, instead of supporting my decisions Fr. Ray allowed the insubordinate employees to remain.

Finding Number 9 – OHR’s investigation substantiates this allegation. (See, Summary of Written Findings of Investigation, and Finding Number 1, 2, 3, 4, 5, 6, 7 and 8).

Allegation Number 10 – On February 3, 2006 I received an e-mail from Fr. Ray wherein he reneged on our previously agreed upon paid part-time work/maternity leave plan which had been approved by the Board. I had been issued a lap top computer to perform the majority of administrative work from home. In this e-mail he ordered me to take a mandatory maternity leave and to return the computer.

Finding Number 10 – OHR’s investigation substantiates this allegation. This allegation is supported by written statements from Board members, church members, and various e-mails reviewed during this investigation. (See, Summary of Written Findings of Investigation, and Finding Number 1, 2, 3, 4, 5, 6, 7, 8 and 9).

Allegation Number 11 – On February 8, 2006, I was terminated.

Finding Number 11 – OHR’s investigation substantiates this allegation. (See, Summary of Written Findings of Investigation, and Finding Number 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10).

Allegation Number 12 – Several Board members resigned or were removed from the board for disagreeing with Fr. Ray’s unilateral decision to terminate me.

Finding Number 12 – OHR’s investigation substantiates this allegation. This allegation is supported by written statements from Board members, church members, and various emails reviewed during this investigation. (See, Summary of Written Findings of Investigation, and Finding Number 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11).

Allegation Number 13 – I was never previously counseled in reference to any concerns regarding my job performance. I was never given an opportunity to respond to these alleged suspect and sudden concerns. When a Board member or I would dispute one complaint or issue, Fr. Ray would raise another, most after the fact of my termination.

Finding Number 13 – OHR’s investigation substantiates this allegation. This allegation is supported by written statements from Board members, church members, and various emails reviewed during this investigation. (See, Summary of Written Findings of Investigation, and Finding Number 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12).

Allegation Number 14 – I believe the situation was clearly an effort to terminate me due to my pregnancy, medical leave associated with my pregnancy and complicated by the disagreement over the issue of using St. Matthew House as collateral. Fr. Ray stated on January 10, 2006, “After everything I’ve done for you, I will not let you get away with this.”

Finding Number 14 – OHR’s investigation substantiates this allegation. This allegation is supported by written statements from Board members, church members, and various e-mails reviewed during this investigation.

Rp presented no evidence that Cp’s pregnancy was preventing her from performing her duties as Executive Director. To the contrary, evidence shows that Father Velencia expressed nothing but praise for Cp’s performance up until the time he terminated Cp. Board minutes show that Father Velencia and the Board members approved Cp’s proposal to work from home during the latter stages of her pregnancy and for a period of time after the birth of her child. Moreover, during the period of time in which Cp worked under the conditions of this accommodation, Father Velencia continued to express praise for the quality of Cp’s work. The evidence obtained and reviewed during this investigation contradicts Father Velencia’s assertion that he terminated Cp for poor job performance and attendance. Furthermore, the evidence shows that Father Velencia specifically considered Cp’s pregnancy when he initiated a negative employment action against Cp, ordering Cp to take maternity leave. (See, Summary of Written Findings of Investigation, and Finding Number 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13).

Allegation Number 15 – In September, 2004 I was out of work for approximately one month due to pneumonia and there were no questions about the use of my time while I was working from home. There were no questions about use of my leave, time sheets, job performance, etc. In other words this short term disability was treated differently from disability due to pregnancy.

Finding Number 15 – OHR’s investigation substantiates this allegation. This allegation is supported by written statements from Board members, church members, and various e-mails reviewed during this investigation. Moreover, a statement made by Farther Velencia even praised the work Cp did at home during this period, and recommended she receive a bonus. (See, Summary of Written Findings of Investigation, and Finding Number 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14).

VII. LEGAL SUMMARY

Overt Discrimination: Sex (Pregnancy)

Cp established a prima facie case of overt discrimination, on the basis of sex (female-pregnancy), alleging that she was discriminated against based on her sex (pregnancy) when Rp ordered her to take a mandatory maternity leave and then terminated her employment a few days later. The investigation reveals that without the consent of Cp, Father Raymond Velencia, President of St. Matthews Housing Development, Inc., on or about February 3, 2006 ordered Cp to take maternity leave. On or about February 8, 2006, Father Velencia terminated Cp.

Rp presented no evidence that Cp's pregnancy was preventing her from performing her duties as Executive Director. To the contrary, evidence shows that Father Velencia expressed nothing but praise for Cp's performance up until the time he terminated Cp. Board minutes show that Father Velencia and the Board members approved Cp's proposal to work from home during the latter stages of her pregnancy and for a period of time after the birth of her child. Moreover, during the period of time in which Cp worked under the conditions of this accommodation, Father Velencia continued to express praise for the quality of Cp's work. The evidence obtained and reviewed during this investigation contradicts Father Velencia's assertion that he terminated Cp for poor job performance and attendance. Furthermore, the evidence shows that Father Velencia specifically considered Cp's pregnancy when he initiated a negative employment action against Cp, ordering Cp to take maternity leave and terminating her a few days later.

VIII. DETERMINATION - REASONABLE CAUSE

Reasonable Cause – Sex (Pregnancy).

Therefore, OHR finds reasonable cause to believe that Cp was discriminated against by Rp on the basis her sex (female pregnancy).

IX. CONCILIATION OF THE REASONABLE CAUSE FINDING

Within 30 days of a finding of reasonable cause to believe that a violation of this subtitle may have occurred, the administrator shall attempt to rectify the violation by conference, conciliation and persuasion. Any conciliation agreement for the elimination of

the violation shall be reduced to a legally enforceable written instrument signed by the complainant, respondent, and the administrator or their authorized representatives.

Date Submitted: May 4, 2007

Phillip Leo Wise
Phillip Leo Wise, Investigator

Date Approved: May 4, 2007

C. Vernon Gray
C. Vernon Gray, Administrator