

Public Hearing - 8/24/2017
Kara M. Jenkins vs. Bar Two, LLC

1 BEFORE THE NEVADA EQUAL RIGHTS COMMISSION

2 LAS VEGAS, NEVADA

3 KARA M. JENKINS,)
Administrator, NEVADA EQUAL)
4 RIGHTS COMMISSION, STATE OF)
NEVADA,)

5) CHARGE NO.: 0506-14-0184L
6 Petitioner,)

7 vs.)

8 BAR TWO, LLC dba FAT TUESDAY,)

9 Respondent.)
_____)

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PUBLIC HEARING
REGARDING SETTLEMENT AGREEMENT AND ORDER

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Taken on Thursday, August 24, 2017
At 1:58 p.m.

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At Department of Employment,
Training and Rehabilitation

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2800 East St. Louis Avenue
Conference Room C
Las Vegas, Nevada

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REPORTED BY: JEAN DAHLBERG, RPR, CCR 759, CSR 11715

Public Hearing - 8/24/2017
Kara M. Jenkins vs. Bar Two, LLC

1 APPEARANCES:

2 For the Board:

3 Kevin Hooks, Chairman
4 Sean Higgins, Commissioner
5 Charlotte Centuori, Commissioner
6 Asheesh Bhalla, Deputy Attorney General
7 Tiffany Young, Secretary

8 For the Petitioner, Nevada Equal Rights Commission:

9 Coralie Peterson, Administrative Assistant III
10 Kara Jenkins, Administrator
11 Sophia G. Long, Deputy Attorney General
12 Ronn Anacabe, Administrative Assistant II,
13 (Via video conference to Reno, Nevada)

14 For the Respondent, Bar Two, LLC d/b/a Fat Tuesday:

15 Mary Chapman, Esq.

16 Also Present:

17 Eddie Yan, former employee

18 (List of additional attendees available upon request.)

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21 (Exhibits were not offered.)
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**Public Hearing - 8/24/2017
Kara M. Jenkins vs. Bar Two, LLC**

1 LAS VEGAS, NEVADA; THURSDAY, AUGUST 24, 2017

2 1:58 P.M.

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4 Whereupon --

5 P R O C E E D I N G S

6 CHAIRMAN HOOKS: Good afternoon, everyone. Good
7 afternoon. Hello? Can you guys hear us?

8 (Attendees respond in the affirmative.)

9 CHAIRMAN HOOKS: Excellent. I love seeing this
10 crowd. This is fantastic. Thank you all for joining
11 us.

12 We are officially going to call the Nevada Equal
13 Rights Commission to order. The time now is 1:58 p.m.
14 It is Thursday, August 24th, and we are officially in
15 order.

16 We'll start by confirming a quorum with roll
17 call, starting to my left.

18 MR. HIGGINS: Sean Higgins.

19 MS. CENTUORI: Charlotte Centuori.

20 CHAIRMAN HOOKS: Kevin Hooks; I'm the Chair.

21 MR. BHALLA: Asheesh Bhalla, Commission
22 Counselor.

23 MS. YOUNG: Tiffany Young, Secretary.

24 CHAIRMAN HOOKS: Excellent. So before we get
25 into starting, we're going to open it up for public

1 comments. Please note that your comments cannot be
2 about this case in the beginning; only about why you're
3 here and if you have any comments to that effect.

4 Any public comments?

5 (No response.)

6 CHAIRMAN HOOKS: Excellent. Seeing none, we'll
7 continue down the agenda.

8 (Discussion held between Mr. Bhalla and
9 Chairman Hooks.)

10 CHAIRMAN HOOKS: What about up North? Are there
11 any public comments up North? Sorry about that.

12 MS. YOUNG: We are on mute.

13 CHAIRMAN HOOKS: Hello, up North? Can you hear
14 me?

15 Hi. We just got to the public comment session,
16 and I noted that the comments cannot be about the
17 specifics of the case. They can only be about why
18 you're here or any other comments that you would like to
19 make. There are no comments down here.

20 Are there any comments up North? Any public
21 comments?

22 MR. ANACABE: No, sir.

23 CHAIRMAN HOOKS: Excellent. Seeing none, we'll
24 move on down the agenda.

25 Has everyone had a chance to take a look at the

1 minutes from the last meeting, July 11th, 2017?

2 What say you?

3 MS. YOUNG: Yes. On their call to order, it
4 says Kevin Hooks, Chair. It was actually myself,
5 Commissioner Young, called the meeting to order.

6 CHAIRMAN HOOKS: We'll make that correction.
7 Are there any other corrections?

8 MS. CENTUORI: I move to approve the minutes.

9 CHAIRMAN HOOKS: Is there a second?

10 MR. HIGGINS: Uh-huh.

11 CHAIRMAN HOOKS: There's been a first and
12 properly seconded. Any discussion?

13 All those in favor?

14 MS. YOUNG: Aye.

15 MR. HIGGINS: Aye.

16 CHAIRMAN HOOKS: Any opposed?

17 (No audible response.)

18 CHAIRMAN HOOKS: Excellent. We'll move forward
19 on the agenda. Let's see.

20 All right, so we're going to move forward into
21 the hearing of -- let's see -- the Administrator versus
22 Bar Two, LLC d/b/a as Fat Tuesday.

23 Sophia?

24 MS. LONG: Good afternoon, Mr. Chairman, members
25 of the Commission. And just for the record, my name is

1 Deputy Attorney General Sophia Long, here for the
2 Petitioner.

3 To my right is Kara Jenkins, Administrator of
4 NERC, as the Petitioner; and then to my left is Mary
5 Chapman, and she's the attorney for the Respondent.

6 So pursuant to NRS 22A today, the parties have
7 agreed to present the proposed settlement to the
8 Commission on the moving hearing, and I believe that all
9 the Commissioners have copies of that settlement in
10 front of them.

11 And have all Commissioners been able to review
12 that settlement?

13 MR. HIGGINS: Yes.

14 MS. CENTUORI: Yes.

15 MS. LONG: So moving forward, do you --

16 MR. HIGGINS: Prior to moving forward, I do want
17 to make a disclosure.

18 MS. JENKINS: State your name.

19 MR. HIGGINS: Excuse me?

20 MS. JENKINS: State your name for the record.

21 MR. HIGGINS: Commissioner Sean Higgins.

22 Just for the record, I do know Mr. Moshe
23 Rosenblum. I have known him for 27 years. I do not
24 currently, nor have ever, had any business relationship
25 or dealing with Mr. Rosenblum, and I do not believe my

1 relationship with Mr. Rosenblum will affect my ability
2 to be an impartial commissioner at this hearing.

3 Mr. Attorney General, is that --

4 MR. BHALLA: That is a sufficient disclosure,
5 Commissioner. Thank you.

6 MR. HIGGINS: Thank you.

7 MS. LONG: Thank you, Commissioner Higgins.

8 So again, moving forward, all parties agree that
9 this is a fair and equitable settlement and it's a good
10 settlement for everyone. So we do request that you
11 accept the Settlement Agreement and then you can issue
12 an order based on the Settlement Agreement.

13 MR. HIGGINS: Are we allowed -- are we allowed
14 to ask questions?

15 MS. LONG: Yes. Discussion. I'm sorry.

16 MR. HIGGINS: Okay. So the question I have is,
17 the post settlement sets forth certain requirements that
18 must be adhered to. My question is -- but it's just for
19 those items -- are we authorized to impose any type of
20 other disciplinary action or fines should they fail to
21 live up to the requirements of the settlement, or would
22 we have to come back for another hearing?

23 MS. LONG: You would have to come back for
24 another hearing.

25 MR. HIGGINS: So we aren't -- we do not --

1 obviously, this has been done, so we don't have the
2 ability -- do we have the ability to include other
3 penalties and fines in settlements?

4 MS. LONG: No. This is what's been negotiated
5 between Ms. Chapman and myself and all parties. I will
6 let you know as well that if we do go to a hearing today
7 that the Commission does not have the authority to issue
8 any other fines or anything above the cease and desist.

9 MR. HIGGINS: Okay. Thank you.

10 CHAIRMAN HOOKS: Any questions?

11 I guess for the public, for the record, this is
12 Kevin Hooks, the Chair.

13 And both parties have had, I think, complete
14 conversations about this, and both parties feel very
15 comfortable with the settlement?

16 MS. LONG: Yes. And, Ms. Chapman?

17 MS. CHAPMAN: Yes, Mr. Commissioner. My client
18 has approved this.

19 CHAIRMAN HOOKS: Excellent. Regarding your
20 thoughts -- any thoughts, Ronn?

21 MR. ANACABE: No. We're good here. Thank you.

22 CHAIRMAN HOOKS: Fantastic. Thank you.

23 That being said, has everyone had a chance to
24 review the specifics of the settlement of the
25 Commission?

1 MR. HIGGINS: Yes.

2 CHAIRMAN HOOKS: All right. What say you?

3 MS. CENTUORI: I'll move -- I'll move that we
4 accept the Commission's Settlement Agreement.

5 CHAIRMAN HOOKS: It is moved. And we accept the
6 Settlement Agreement as is?

7 MS. YOUNG: Second.

8 CHAIRMAN HOOKS: It has been properly seconded.
9 Are there any further discussions about --

10 MR. HIGGINS: I do understand. I appreciate
11 NERC's staff and the Attorney General working through
12 this settlement.

13 Again, I hope that the Respondent, after having
14 to go to this depth, will actually follow through on
15 this settlement and we won't be back here again at a
16 future date looking at this. And the fact that it had
17 to come to an actual hearing is unfortunately
18 disappointing, but I appreciate the hard work on both
19 sides to come up with the settlement.

20 CHAIRMAN HOOKS: Any additional discussion?

21 (No audible response.)

22 CHAIRMAN HOOKS: All those in favor?

23 MR. HIGGINS: Aye.

24 MS. CENTUORI: Aye.

25 CHAIRMAN HOOKS: Any opposed?

1 (No audible response.)

2 CHAIRMAN HOOKS: The motion passes. We've
3 accepted your settlement.

4 MS. LONG: Mr. Chairman, so prior to closing
5 this item, there's something that we would like to do,
6 is that -- now that the settlement is a matter of public
7 record and we do have members of the audience here that
8 are here specifically for this agenda item, we would
9 like to read parts of the settlement into the record, if
10 it pleases the Chairman?

11 CHAIRMAN HOOKS: Absolutely. Thank you.

12 MS. LONG: Thank you.

13 MS. JENKINS: For the record, my name is Kara
14 Jenkins. I'm the Administrator for the Nevada Equal
15 Rights Commission.

16 Now that the Commission has approved the
17 settlement, I'd like to read it into the record, so I'm
18 going to read it nice and slowly because I think it
19 merits the reading:

20 Factual Allegations and Violations: Respondent,
21 at all times and relevant hereto, was and currently is,
22 in the bar business and has/had three bars in different
23 locations in Las Vegas: Casino Royale (Fat Tuesday);
24 Caesar's Palace (Fat Tuesday); and Imperial Palace (now
25 closed). Co-owners of Bar Two are Moshe Rosenblum,

1 male, and Yakov "Jackie" Hefetz, male.

2 On a continuing basis, former employee and
3 Assistant General Manager, Eddie Yan, put Respondent on
4 notice that Jackie had been subjecting female staff to
5 inappropriate sexual comments and/or behavior in the
6 workplace.

7 In or about July 2013, bartender, RC, female,
8 complained to Eddie that when Jackie comes to the
9 Imperial Palace location, he makes comments that he
10 wants to be intimate, asking her to his place and
11 texting her. During this time, Jackie groped RC's
12 behind. RC was in fear of her employment.

13 In or about September 3rd, 2013, two female
14 employees complained to Eddie of ongoing sexual
15 harassment by Jackie. Eddie then reported the
16 harassment to Moshe.

17 In or about January 2014, video surveillance
18 shows Jackie simulating sexual acts from behind to one
19 of the female staff members and in the presence of
20 customers at the Imperial Palace location. Further
21 video footage shows Jackie slapping a female staff
22 member on her behind. Eddie reported this specific
23 incident to Moshe.

24 In or about February 2014, Respondent held a
25 special meeting of the managers that resulted in an

1 investigation of the surveillance video and that Jackie
2 was to stay away from Fat Tuesday.

3 In or about 2014, supervising bartender, SS,
4 female, reported to Eddie that Jackie still came to the
5 Imperial Palace location and pushed his body on female
6 employees and made sexual inappropriate comments to
7 female staff members and patrons. SS considered the
8 environment hostile.

9 In 2014, Eddie continued to report complaints of
10 sexual harassment internally to Moshe.

11 Despite continued complaints to Moshe about
12 Jackie's sexual harassment of female staff, Jackie
13 continued to sexually harass female staff and patrons at
14 Respondent's Imperial Palace location.

15 In or about May 2014, Eddie filled a complaint
16 with the Nevada Equal Rights Commission alleging sexual
17 harassment of female bartenders by Jackie.

18 MS. CHAPMAN: Mr. Commissioner, with all due
19 respect to the Director, I would like, and on
20 Respondent's behalf put the last factual statement in
21 the record, since she omitted it.

22 No. 12: Respondent's signing of this agreement
23 is not an admission that any such conduct occurred.
24 This Settlement Agreement and Order may not be used as
25 evidence or precedent in any other proceeding.

1 MS. LONG: All right. So to conclude the part
2 of the Settlement Agreement, it's the Decision and Order
3 that the Commission has issued today, and it states --
4 and it's the right order:

5 1: That the Settlement Agreement incorporated
6 herein, is approved in full.

7 No. 2: That Respondent will draft an EEO manual
8 approved by NERC that incorporates EEOC guidance on
9 workplace policies and further include an anonymous line
10 for reporting, within 30 days from the date of the
11 Commission's order.

12 3: That Respondent will provide sexual
13 harassment training to all owners and managers by an
14 independent third party, preferably the EEOC, within
15 30 days from the date of the Commission's order.

16 4: That Yakov "Jackie" Hefetz will refrain from
17 the day-to-day operations of Fat Tuesday.

18 5: That Yakov "Jackie" Hefetz will cease and
19 desist any and all harassment on the basis of sex.

20 And, 6, that this matter will be brought before
21 the Commission at the next Commission meeting to review
22 compliance with its order.

23 And then finally, the Nevada Equal Rights
24 Commission retains jurisdiction in this case until all
25 conditions have been met to the satisfaction of the

1 Commission.

2 Thank you, Mr. Chairman, and thank you,
3 Commissioners, for your time.

4 CHAIRMAN HOOKS: Thank you very much. So we
5 will proceed on the agenda. Let's see.

6 As far as future meeting dates and agenda, why
7 don't we have staff come poll the Board and the
8 Commission and figure out a date that works for all of
9 us. That does work for you guys?

10 MS. YOUNG: Uh-huh.

11 CHAIRMAN HOOKS: So we'll proceed.

12 Are there any public comments? Please step
13 forward to the mic. Remember, please state your name
14 prior to speaking so we can have you identified for the
15 record.

16 MR. YAN: My name's Eddie Yan. I'm the one who
17 brought this case to the DETR. And I will have to say
18 this is kind of a moot point. Over 1,000 days have
19 passed since the complaint has been made.

20 Coming to this date, searching some kind of
21 justice, at least visually seeing the defendant,
22 obviously this is not something me nor my staff wanted
23 to happen. And given the moot point, it sounds like a
24 slap on the wrist, in all honesty.

25 You know, from a video to three years -- it's

1 been coming up on three years I've been the general
2 manager at that location -- and all other locations that
3 I've worked at and witnessed the same issues -- I'm not
4 sure what else I can do to prove that obviously this
5 gentleman does not really hold highly as far as public
6 shame or embarrassment. If he did, his moral standards
7 wouldn't allow him to commit these acts.

8 Again, a slap on the wrist. He doesn't have to
9 show up. He doesn't have to, you know, face the victims
10 that he has so easily succumbed to. I mean it's -- to
11 me, it's a moot point.

12 You know, comments here, I appreciate everything
13 that the DETR has done. You know, it's a long-going
14 investigation, 1,000 days, many hours going back and
15 forth. And, you know, I -- I think that that's just --
16 you know, he can't even face the people that he
17 harassed.

18 And like you said, and you mentioned in your
19 disclosure, 27 years you've known Moshe, I've known him
20 for about 15 years. I consider him almost a father
21 figure. Saw him at the hospital. Took care of him.
22 Took care of him, along with any of his technical needs.
23 So did the rest of my staff.

24 It's not the sense of sexual harassment; it was
25 more of a sense of betrayal of the highest degree. And

1 we come here today and -- yeah, again, unfortunately, I
2 hate to end it in such a moot point, I guess, because it
3 seems like it's a -- you know, money wins, you know.

4 I thank you, everyone, for coming, and I
5 appreciate DETR for everything that they've done. You
6 know, but, again, I feel -- and I don't know if that's
7 just my opinion, but I feel that the victims of the
8 situation found that it's quite disappointing.

9 CHAIRMAN HOOKS: Thank you very much, sir. And
10 I'm going to take a point of preference to just thank
11 you for your passion and your support of your employees.
12 It's very important to us. Thank you.

13 Any other comments? Any comments up North?

14 (No audible response.)

15 CHAIRMAN HOOKS: Seeing none, we'll move toward
16 our adjournment.

17 Do I have to make a motion?

18 So what say you?

19 MS. CENTUORI: I'll make a motion that we
20 adjourn.

21 MR. HIGGINS: Second.

22 CHAIRMAN HOOKS: It's been first and properly
23 seconded. All in favor?

24 MS. CENTUORI: Aye.

25 MR. HIGGINS: Aye.

1 CHAIRMAN HOOKS: Any opposed?

2 (No audible response.)

3 CHAIRMAN HOOKS: Excellent. We are officially
4 adjourned.

5 Thank you everyone for coming today. This is a
6 very important matter and we appreciate your
7 participation.

8 (Thereupon the proceedings were adjourned at
9 2:15 p.m.)

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1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA)
)SS:
3 COUNTY OF CLARK)

4 I, Jean M. Dahlberg, Certified Court Reporter, do
5 hereby certify:

6 That I reported in shorthand the proceedings had
7 in the above-entitled matter at the place and date
8 indicated.

9 That I thereafter transcribed said shorthand
10 notes into typewriting at and under my direction and
11 supervision, and the foregoing transcript constitutes a
12 full, true and accurate record of the proceedings had.

13 IN WITNESS WHEREOF, I have set in my hand in my
14 office in the County of Clark, State of Nevada this 28th
15 day of August, 2017.

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JEAN M. DAHLBERG
RPR, CCR 759, CSR 11715

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