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BEFORE THE NEVADA EQUAL RIGHTS COMMISSION

KARA M. JENKINS, Administrator,  
NEVADA EQUAL RIGHTS COMMISSION,  
STATE OF NEVADA,  
  
Petitioner  
  
vs.  
  
BAR TWO, LLC dba FAT TUESDAY  
  
Respondent.

CHARGE NO. 0506-14-0184L

SETTLEMENT AGREEMENT AND ORDER

WHEREAS, as more fully addressed below, the Administrator of the NEVADA EQUAL RIGHTS COMMISSION ("Commission"), and RESPONDENT Bar Two, LLC ("Bar Two" or "Respondent"), (collectively referred to as "the Parties"), hereby enter into this Stipulation for Settlement of Disciplinary Actions as follows:

JURISDICTION

- 1. The Commission has jurisdiction over Bar Two pursuant to Nevada Revised Statute (NRS) Chapter 233, NRS 613.330(1) and NRS 613.405 and Title VII of the Civil Rights Act of 1964, as amended.

FACTUAL ALLEGATIONS AND VIOLATIONS

- 2. Respondent, at all times and relevant hereto, was and currently is, in the bar business and has/had three bars in different locations in Las Vegas: Casino Royale (Fat Tuesday), Caesar's Palace (Fat Tuesday) and Imperial Palace (Fat Tuesday, now closed). Co-owners of Bar Two are Moshe Rosenblum ("Moshe"); male, and Yakov "Jackie" Hefetz ("Jackie"); male.
- 3. On a continuing basis, former employee and Assistant General Manager, Eddie Yan ("Eddie"), put Respondent on notice that Jackie had been subjecting female staff to inappropriate sexual comments and/or behavior in the workplace.

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4. In or about July 2013, bartender, RC; female, complained to Eddie that when Jackie comes to the Imperial Palace location, he makes comments that he wants to be intimate, asking her to his place, and texting her. During this time, Jackie groped RC's "behind." RC was in fear of her employment.
5. In or about September 3, 2013, two female employees complained to Eddie of ongoing sexual harassment by Jackie. Eddie then reported the harassment to Moshe.
6. In or about January 2014, video surveillance shows Jackie simulating sexual acts from behind to one of the female staff members and in the presence of customers at the Imperial Palace location. Further video footage shows Jackie slapping a female staff member on her "behind." Eddie reported this specific incident to Moshe.
7. In or about February 2014, Respondent held a special meeting of the managers that resulted in an investigation of the surveillance video and that Jackie was to "stay away from Fat Tuesday."
8. In or about 2014, supervising bartender, SS; female, reported to Eddie that Jackie still came to the Imperial Palace location and pushed his body on female employees and made sexually inappropriate comments to female staff members and patrons. SS considered the environment hostile.
9. In 2014, Eddie continued to report complaints of sexual harassment internally to Moshe.
10. Despite continued complaints to Moshe about Jackie's sexual harassment of female staff, Jackie continued to sexually harass female staff and patrons at Respondent's Imperial Palace location.
11. In or about May, 2014, Eddie filed a complaint with NERC alleging sexual harassment of female bartenders by Jackie.

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12. Respondent's signing of this Agreement is not an admission that any such conduct occurred. This Settlement Agreement and Order may not be used as evidence or precedent in any other proceeding.

PUBLIC RECORD

13. Respondent acknowledges that if accepted by the Commission, this settlement agreement becomes a matter of public record.

VOLUNTARY WAIVER OF RIGHTS

14. Respondent may at all times obtain the advice from competent counsel of choice. No coercion has been exerted upon Respondent, nor have any promises been made other than those reflected in this agreement. Respondent freely and voluntarily entered into this agreement, motivated only by a desire to resolve the issues addressed herein. Respondent has executed this settlement only after a careful reading of it and a full understanding of all its terms.

15. Respondent is fully aware of any and all rights to contest the charges pending. These rights include: representation by an attorney at his own expense, the right to a public hearing on any charges or allegations filed, the right to confront and cross-examine witnesses called to testify against him, the right to present evidence on his own behalf, the right to compulsory process to secure the attendance of such witnesses, the right to testify on his own behalf, the right to receive written findings of fact and conclusions of law supporting the decision of the merits of the complaint and the right to obtain judicial review of the Commission's decision.

16. Respondent in exchange for the Commission's acceptance of this settlement agreement is voluntarily waiving all of these rights.

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**ACCEPTANCE BY THE COMMISSION**

17. The settlement agreement shall not become effective until it has been approved by a majority of the Commission and endorsed by a representative member of the Commission.
18. Respondent understands that the Commission is free to accept or reject this settlement agreement and, if rejected by the Commission, a formal disciplinary hearing on the complaint against Respondent may immediately commence. The Commission members who review this matter for approval of this settlement may be the same members who ultimately hear the disciplinary complaint if this settlement agreement is not approved by the Commission.
19. Respondent hereby agrees to waive any rights he might have to challenge the impartiality of the Commission to hear the disciplinary complaint, based on prior knowledge obtained by the Commission through consideration of this settlement agreement, if after review by the Commission, this settlement agreement is rejected.
20. If the Commission does not accept the settlement agreement, it shall be regarded as null and void. Admissions by Respondent in the settlement agreement will not be regarded as evidence at the subsequent disciplinary hearing. Respondent will be free to defend and no inferences will be made from the willingness to have entered into this agreement.

**COMPLETE AGREEMENT**


21. This settlement agreement consists of six pages and embodies the entire agreement between the Commission and Respondent. It may not be altered, amended or modified without the express consent of the Parties.


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Case No. 17-000000

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22. Based upon the foregoing stipulations and recitals, it is hereby agreed that the Commission may issue the included Decision and Order.


Date: 08-23-17  
BAR TWO, LLC  
  
By: \_\_\_\_\_  
Moshe Rosenblum

Date: 8-24-17  
NEVADA EQUAL RIGHTS COMMISSION  
  
By: \_\_\_\_\_  
Kara Jenkins, Administrator

Approved as to form and content:  
LAW OFFICE OF MARY F.  
CHAPMAN, LTD.

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Las Vegas, Nevada 89101  
(702) 486-3420

**DECISION AND ORDER**

The above-captioned matter having come before the NEVADA EQUAL RIGHTS COMMISSION ("Commission"), and the Commission being fully apprised in the premises, and good cause appearing,

IT IS HEREBY ORDERED:

1. That the Settlement Agreement incorporated herein, is approved in full;
2. That Respondent will draft an EEO manual approved by NERC that incorporates EEOC guidance on workplace policies and further include an anonymous line for reporting, within thirty (30) days from the date of the Commission's order;
3. That Respondent will provide sexual harassment training to all owners and managers by an independent third party, preferably the EEOC, within thirty (30) days from the date of the Commission's order;

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4. That Yakov "Jackie" Hefetz will refrain from the day-to-day operations of Fat Tuesday;
5. That Yakov "Jackie" Hefetz will cease and desist any and all harassment on the basis of sex; and
6. That this matter will be brought before the Commission at the next Commission meeting to review compliance with its order.

The NEVADA EQUAL RIGHTS COMMISSION retains jurisdiction of this case until all conditions have been met to the satisfaction of the Commission.

IT IS SO ORDERED.

SIGNED AND EFFECTIVE this 24<sup>th</sup> day of August, 2017.



Kevin E. Hooks, Chairperson