



# State finds probable cause in sexual harassment case at Oceanside Sanitation District No. 7

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The state's Division of Human Rights found probable cause to move ahead with a hearing to determine if an employee of Oceanside Sanitation District No. 7 was sexually harassed and two others were wrongfully terminated.

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The New York State Division of Human Rights recently found probable cause to proceed with a hearing to determine whether an Oceanside Sanitation District No. 7 employee was sexually harassed, and whether two others faced discrimination, retaliation, intimidation and unlawful termination from the board of commissioners because they supported her.

Jacqueline Urli, a district secretary, brought a sexual harassment lawsuit against the board in February, alleging that the commissioners permitted a “hostile, toxic” work environment. The district’s former general supervisor, Dan Faust, and former Treasurer Doug Hernandez also sued the district for wrongful termination after they were fired in December for allegedly permitting former Commissioner Joe Cibellis to remain on the district’s dental plan even though he was no longer a district employee. Hernandez and Faust both denied the allegations after being terminated for “scandalous conduct.” They each corroborated Urli’s claims.

After the division’s finding, hearings will be scheduled to determine the next steps in the process. Board Chairman Austin Graff said he could not comment on the decision, and provided the Herald with a statement on behalf of the board.

“The district denies all allegations of wrongdoing,” the statement read. “Since this matter is still pending in litigation, it would not be appropriate to comment further at this time.”

The Division of Human Rights looked into several incidents before determining there was probable cause in their complaints. According to a release by attorney Frederick Brewington, who represented the employees, in August 2018, Faust, a board member, and Urli were walking to the parking lot of sanitation headquarters when one of the commissioners told other board members that Urli was cheating on her husband with Faust.

At the September board meeting, a commissioner was reviewing an anonymous letter and asked why it was not about him before joking that he and Urli should have an affair “so that they write about us,” which the secretary was present for and found offensive. The commissioner continued to joke about having an affair with Urli and allegedly made jokes about her and Faust that were sexual in nature. None of the commissioners told him to stop, according to the release.

Last October, during another board meeting, comments about Urli continued, and when Faust attempted to change the subject to the upcoming Halloween Fest and the Trunk or Treat events, one of the commissioners referred to the latter event as “junk in the trunk,” a reference to a woman’s anatomy, and other board members laughed as he continued to use the term. Urli also alleged that one of the commissioners made unwanted sexual advances toward her and began inappropriately touching her while training her on a computer software program. She said she became physically ill and could not concentrate.

At its November 2018 meeting, the board discussed creating a sexual harassment policy, and one of the commissioners said that if anyone on the job accused them of wrongdoing, that person should expect retribution, which Urli perceived as a threat after her claim was filed.

She also received an email from board members accusing her of lying and attempting to intimidate her into not filing a claim against the board. Her formal letter was set to be discussed at the December board meeting, but she allegedly faced intimidation, and Faust and Hernandez were fired.

Urli filed a complaint with the Division of Human Rights, and Faust and Hernandez backed her up. According to Brewington, Urli had most of her responsibilities taken away, experienced isolation from her co-workers and embarrassment and humiliation after filing her suit.

Faust and Hernandez also filed separate complaints relating to their termination, noting that it led to a loss of income, benefits, pensions and insurance coverage, as well as mental pain and suffering, damage to their reputations, humiliation, shame, embarrassment and mental health issues.

“We are very pleased with the outcome,” Brewington said of the state’s probable cause decision. “What’s disturbing about these events is not just the continuing harassment that our clients have had to endure, but the complicity of the other commissioners, who were aware of the behavior of one of their own, but did nothing to stop it. Shame on them. It’s time to take out the trash.”

After Hernandez and Faust were fired, Graff wrote in a Facebook post that the board was looking to weed out corruption in the district. According to the post, the mistake of keeping Cibellis on the dental plan was uncovered, and he was taken off it, but in April 2018, the former commissioner was put back on it, which Faust and Hernandez knew about, according to Graff.

“For too long, government in Ocean-side has hidden from the taxpayers and the residents bad news and scandal,” Graff’s post read. “. . . Unfortunately, there is more to tell the residents about what was uncovered that has made me so angry and made me realize it’s time for people to lose their jobs over scandalous conduct.”

Faust and Hernandez denied the allegations, with Faust saying that he was blindsided by the firing. “After 23 years of employment at Oceanside sanitation and having an unblemished record, I was terminated in an open, public meeting with no prior knowledge and no given reason,” he said. “I believe this is in violation of the civil service code and union contract.”

In June, tempers flared at a district meetings when Joe Samoles, who became a commissioner later that month, accused Urli and her husband, Marco, of being behind the phony Facebook account of a “Pamela Schwartz,” which criticized the board publicly and gave away private information on its members. Urli publicly denied that she and her husband were involved with the account, and also told the Herald that she was not a part of it. Graff claimed that the phone information linked to the Schwartz account led to the Urli’s phone, but has since been deactivated.

Urli, the lone female employee in the sanitation district, announced that she was filing suit at a news conference in February.

“When I’m in these board meetings and I’m the only woman with eight men, and they start talking using filthy language, when it got directed at me is when it was most offensive,” she said. “It’s been a very difficult time, and then having my co-workers terminated because they were trying to defend me to the board, it’s just been unbearable to deal with.”