COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

MASSACHUSETTS COMMISSION
AGAINST DISCRIMINATION and
LUVINA HERNANDEZ,
Complainants

v. DOCKET NO. 14-BEM-00526

BEAUTIFUL ROSE CORPORATION
d/b/a STREGA WATERFRONT RESTAURANT,
THE VARANO GROUP, and SALVATORE FIRICANO
Respondents.

DECISION OF THE FULL COMMISSION

This matter comes before us following a decision by Hearing Officer Eugenia Guastaferri in favor of Complainant, Luvina Hernandez ("Ms. Hernandez"). Following an evidentiary hearing, the Hearing Officer concluded that Beautiful Rose Corp. d/b/a Strega Waterfront Restaurant, The Varano Group, and Ms. Hernandez's supervisor, Salvatore Firicano ("Firicano") (collectively, "Respondents") were liable for sexual harassment in violation of M.G.L. c. 151B, § 4(16A). The Hearing Officer dismissed Ms. Hernandez's retaliation claim under M.G.L. c. 151B, § 4(4), and awarded $20,000 in emotional distress damages with 12% interest per annum based on sexual harassment per the definition of a hostile work environment under M.G.L. c. 151B, §1(18). Respondents appealed to the Full Commission. Ms. Hernandez requests attorney's fees in the amount of $97,137.50 and costs in the amount of $7,755.95. For the reasons discussed below, we affirm the Hearing Officer's decision and award a reduced amount of attorney's fees and costs.

STANDARD OF REVIEW

The responsibilities of the Full Commission are outlined by statute, the Commission's Rules of Procedure (804 CMR 1.00 (2020)), and relevant case law. It is the duty of the Full Commission to review the record of proceedings before the Hearing Officer. M.G.L. c. 151B, §§ 3(6), 5. The Hearing Officer's findings of fact must be supported by substantial evidence, which is defined as "….such evidence as a reasonable mind might accept as adequate to support a finding…." Katz v. MCAD, 365 Mass. 357, 365 (1974); M.G.L. c. 30A, § 1(6).

It is the Hearing Officer's responsibility to evaluate the credibility of witnesses and to weigh the evidence when deciding disputed issues of fact. The Full Commission defers to these determinations of the Hearing Officer. See, e.g., School Committee of Chicopee v. MCAD, 361 Mass. 352 (1972); Bowen v. Colonnade Hotel, 4 MDLR 1007, 1011 (1982). Fact-finding determinations are within the sole province of the Hearing Officer who is in the best position to judge the credibility of witnesses. See Quinn v. Response Electric Services, Inc., 27 MDLR 42 (2005); MCAD and Garrison v. Lahey Clinic Medical Center, 39 MDLR 12, 14 (2017) (because the Hearing Officer sees and hears witnesses, her findings are entitled to deference). It is nevertheless the Full Commission's role to determine whether the decision under appeal was supported by substantial evidence, among other considerations, including whether the decision was arbitrary or capricious or an abuse of discretion. 804 CMR 1.23(10) (2020).

LEGAL DISCUSSION

Respondents challenge the sufficiency of the evidence in support of the Hearing Officer's determination of sexual harassment liability and the award of emotional distress damages. They also argue that the Hearing Officer erred in refusing to admit evidence that was purportedly

relevant to Ms. Hernandez's character for truthfulness.

Sexual harassment of an employee by an employer or its agents is specifically prohibited by M.G.L. c. 151B, § 4(16A), and hostile work environment harassment is defined under M.G.L. c. 151B, § 1(18) as "sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when ... such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment." To prevail on her hostile work environment claim, Ms. Hernandez had to prove that Firicano's conduct was both subjectively and objectively offensive and sufficiently severe or pervasive to have interfered with a reasonable person's work performance. See Gyulakian v. Lexus of Watertown, Inc., 475 Mass. 290, 295–96 (2016) and cases cited therein; MCAD Sexual Harassment Guidelines (2017), p. 3.

Having reviewed the entire record and with all due deference to the Hearing Officer's exclusive authority to make credibility determinations, we find there was sufficient evidence that Respondents subjected Ms. Hernandez to a hostile work environment. The Hearing Officer believed Ms. Hernandez's testimony that Firicano commented on her breasts, the question of her virginity, and touched her inappropriately, and, while she may have determined that the frequency of that behavior was less than what Ms. Hernandez indicated, she credited her testimony that multiple incidents occurred. Not only are such comments objectively offensive,[1]

[1] Respondents argue that Firicano's comments querying whether Ms. Hernandez was a virgin or whether her breasts were real or fake "fail to be anything more than off-color, inappropriate comments" that were not sufficiently sexual in nature, nor objectively degrading or intimidating. They also argue that Ms. Hernandez's decision to continue to work for Firicano shows that the comments were not offensive. It is unreasonable to conclude that comments with respect to the authenticity of Ms. Hernandez's breasts and her level of sexual experience were not sexual in nature. Moreover, Ms. Hernandez did not have to quit her job to prove that Firicano's comments were subjectively or objectively offensive. See, e.g., B. Thomas v. King Arthurs Motel and Lounge, Inc., 24 MDLR 66, 73 (2002), citing Beaupre v. Smith, 50 Mass. App. Ct. 480, 489, n.15 (2000) and Lawless v. Northeast Battery & Alternator, Inc., 22 MDLR 138 (2000) (a complainant may even voluntarily participate in acts constituting sexual harassment and still prove such acts were unwelcome). Last, the suggestion that Ms. Hernandez was required to tolerate her supervisor's commentary on her private anatomy and experience with sex as harmless, inoffensive commentary is outmoded at best.

but there was sufficient evidence that Ms. Hernandez found them personally offensive—the Hearing Officer credited sufficient evidence in the record that Ms. Hernandez complained about these comments at home and at work, and that the comments made her uncomfortable. The Hearing Officer also found that Ms. Hernandez did not respond positively to Firicano's behavior, and Ms. Hernandez was not required to complain to her company about her supervisor's harassment in order to prove that she found his behavior offensive. See College-Town, Div. of Interco, Inc. v. Massachusetts Comm'n Against Discrimination, 400 Mass. 156, 167 (1987) (employers are vicariously liable for sexual harassment by supervisors, and an employee is not required to complain about a supervisor's harassment to the employer in order to prove sexual harassment).

Moreover, Respondents' argument that the Hearing Officer's crediting of Ms. Hernandez's testimony is dubious given the language barrier between her and Firicano is not persuasive, as the Hearing Officer made sufficient factual findings on this point based on sufficient support in the record. The Hearing Officer credited Firicano's testimony that he spoke a Spanish-Italian hybrid in the workplace in order to communicate with Spanish speakers like Ms. Hernandez, and Ms. Hernandez testified that Firicano spoke to her in Spanish that she understood. Last, there was sufficient evidence that Firicano's conduct unreasonably interfered with Ms. Hernandez's work performance. "Harassment by a supervisor stigmatizes an employee, and…carries an implied threat that the supervisor will punish resistance through exercising supervisory powers, which may range from discharge to assignment of work, particularly exacting scrutiny, or refusal to protect the employee from coworker harassment." College-Town, 400 Mass. at 165-166. While such effects may not be tangible like those at issue with quid pro quo sexual harassment, they nonetheless present a serious barrier to full

participation in the workforce. Id. As found by the Hearing Officer, in order to keep her job, Ms. Hernandez felt she could not speak up to Firicano, her supervisor, about his conduct of a sexual nature that made her uncomfortable. Ms. Hernandez could prove this intimidation unreasonably interfered with her work performance via her credited testimony. See Ramsdell v. W. Massachusetts Bus Lines, Inc., 415 Mass. 673, 677 (1993) (sufficiency of the evidence showing unreasonable interference with complainant's job performance was a matter of complainant's credibility).

There was also sufficient evidence in support of the emotional distress award. The Hearing Officer has broad discretion to fashion remedies to effectuate the goals of M.G.L. c. 151B. Conway v. Electro Switch Corp., 402 Mass. 385, 387 (1988). Emotional distress damages may be awarded at the Hearing Officer's discretion where the distress suffered is a direct and probable consequence of respondent's discriminatory acts. Bowen v. Colonnade Hotel, 4 MDLR 1007, 1011 (1982). The award must be supported by substantial evidence and the record must be clear with respect to the factual basis of such damages as well as the causal connection between the unlawful act and the emotional distress. Stonehill College v. MCAD, et al., 441 Mass. 549, 576 (2004); MCAD and Tara Leary v. James F. Braden & Joan G. Braden, 26 MDLR 234, 240-241 (2004). Respondents' argument that evidence of Ms. Hernandez's emotional distress was unrelated to Firicano's conduct is unpersuasive. The Hearing Officer made sufficient factual findings based on Ms. Hernandez's and others' credited testimony that she was upset by Firicano's offensive conduct. As such, the record is clear with respect to the factual basis and a causal connection between the unlawful act and Ms. Hernandez's emotional distress.

Finally, the Hearing Officer's refusal to admit documents calling into question Ms.

Hernandez's use of a social security number (and, in turn, her immigration status), was well within her discretion and not an error of law.[2] Although the Commission is not bound by the formal rules of evidence (M.G.L. c. 151B, § 5; M.G.L. c. 30A, § 11(2)), the Hearing Officer's decision to exclude this evidence was consistent with the long-standing evidentiary rule prohibiting impeachment of a witness's character with evidence of specific acts of misconduct. Com. v. Buzzell, 79 Mass. App. Ct. 460, 463 (2011), citing Commonwealth v. Podkowka, 445 Mass. 692, 696 (2006); Commonwealth v. Bregoli, 431 Mass. 265, 275 (2000); and Mass. G. Evid. § 608(b). More importantly, however, "[t]here is no reason to believe that the fact that [a witness] may not have been legally resident in this country [makes] them any less likely to be truthful," and, "[i]f anything, their insecure legal status would likely make them less inclined to turn to law enforcement officials for help." Buzzell, 79 Mass. App. Ct. at 462-463. Respondents seek to tease immigration status out from the acts in question, suggesting that generically speaking, an allegedly dishonest act in filing out employment paperwork must be considered when a case rests on the credibility of the actor. However, the acts in question are inextricably linked to immigration status, and their use was rightly prohibited per the reasoning of the Appeals Court in Buzzell.

ATTORNEY'S FEES PETITION[3]

M.G.L. c. 151B, § 5 allows prevailing complainants to recover reasonable attorney's fees. The determination of whether a fee sought is reasonable is subject to the Commission's discretion and includes such factors as the time and resources required to litigate a claim of

[2] Agencies have wide discretion in ruling on evidence in administrative proceedings subject to M.G.L. c. 30A. Rate Setting Comm'n v. Baystate Med. Ctr., 422 Mass. 744, 752 (1996). Consistent with courts of review, the Full Commission does not disturb a Hearing Officer's decision to admit evidence absent an abuse of discretion or other legal error. See, e.g., Zucco v. Kane, 439 Mass. 503, 507 (2003); Russell Glover v. City of Boston Fire Department, 2001 WL 1602783, at *1.

[3] Since the Petition for Attorney's Fees and Costs was filed pursuant to 804 CMR 1.00 (1999) et seq., the Full Commission determined the award.

discrimination in the administrative forum. Baker v. Winchester School Committee, 14 MDLR 1097 (1992). The Commission has adopted the lodestar methodology for fee computation. Id. By this method, the Commission will first calculate the number of hours reasonably expended to litigate the claim and multiply that number by an hourly rate it deems reasonable. The Commission then examines the resulting figure, known as the "lodestar," and adjusts it either upward or downward or determines that no adjustment is warranted depending on various factors, including complexity of the matter. Id.

Only those hours that are reasonably expended are subject to compensation under M.G.L. c. 151B. In determining whether hours are compensable, the Commission will consider contemporaneous time records maintained by counsel and will review both the hours expended and tasks involved. Id. at 1099. Compensation is not awarded for work that appears to be duplicative, unproductive, excessive, or otherwise unnecessary to the prosecution of the claim. Hours that are insufficiently documented may also be subtracted from the total. Grendel's Den v. Larkin, 749 F.2d 945, 952 (1st Cir. 1984); Brown v. City of Salem, 14 MDLR 1365 (1992). The party seeking fees has a duty to submit detailed and contemporaneous time records to document the hours spent on the case. Denton v. Boilermakers Local 29, 673 F. Supp. 37, 53 (D. Mass. 1987); Baker v. Winchester School Committee, 14 MDLR 1097 (1992).

Ms. Hernandez filed a Petition for Reasonable Attorney's Fees and Costs on November 1, 2017, along with affidavits, invoices, and contemporaneous billing records from Attorney Megan E. Barriger, her counsel from Wilmer Cutler Pickering Hale and Dorr, LLP ("WilmerHale"), as well Attorney Laura Maslow-Armand, her counsel from the Lawyers' Committee for Civil Rights ("Lawyers' Committee"). Attorney Barriger's requested fees amount to $55,775 (223.1 hours at an hourly rate of $250) and Attorney Maslow-Armand's

requested fees amount to $41,362.50 (110.3 hours at an hourly rate of $375), for a total fees request of $97,137.50. Ms. Hernandez also seeks post-judgment interest on the attorney's fees at the rate of 12% per annum from the date of the filing of the Petition, and costs in the amount of $7,755.95.

Respondents oppose the Petition, arguing that: there was duplication in discovery work between Ms. Hernandez's attorneys; excessive time was spent researching damages; Attorney Maslow-Armand's fee is too high for the work she ostensibly performed; the fees far exceed the damages awarded; the damages awarded were only $5,000 more than the settlement amount Respondents offered before litigation began; the case was not complex; and the fees must be reduced where Ms. Hernandez failed to prove unlawful retaliation or quid pro quo sexual harassment. For all of the reasons discussed below, only the last of these arguments justifies awarding fees in an amount lower than what is requested in the Petition.

The Lawyers Committee worked on this case beginning in May of 2014. Pursuant to partnering efforts between the Lawyers Committee and private law firms, WilmerHale attorneys became involved pro bono after the probable cause finding issued and then took the lead in the case through the discovery phase and public hearing. WilmerHale employees billed a total of over 985 hours for work on the case through a number of employees from April 20, 2016 through the completion of post-hearing briefs in September of 2017. However, the firm seeks reimbursement only for the time of Attorney Barriger, a Senior Associate in the litigation department, beginning on July 18, 2016, for her work on discovery, preparing for and conducting the public hearing, and drafting the post-hearing brief. Moreover, while Attorney Barriger submitted detailed, contemporaneous billing records for 495.7 hours of work, WilmerHale seeks reimbursement for less than half of that time after reducing the compensable hours to 223.1 "to

account for any inefficiencies" and align the request with what WilmerHale believes to be similar cases at the Commission.

As it provided services pro bono, WilmerHale maintains that it will not retain any fees recovered for Attorney Barriger's work as part of its general revenues, but will instead apply them against disbursements incurred on this case and other pro bono matters.

The Lawyers Committee remained as co-counsel after the finding of probable cause, stating it provided critical assistance from its litigation director and four staff attorneys, but seeks recovery of only Attorney Maslow-Armand's time amounting to a portion of her work during the investigative stage of the case and her post-probable cause work on discovery and trial preparation. All of the Lawyers' Committee's work is pro bono, and Attorney Maslow-Armand also submitted detailed time records for her work on the case.

The reduction in WilmerHale's overall time on the case and specifically the reduction in Attorney Barriger's compensable hours (from 495.7 to 223.1 hours) neutralizes several of the Respondents' objections. For example, while there may have been some duplication in legal research with regard to damages, the significant reduction of WilmerHale employees' time, especially Attorney Barriger's time, addresses this duplication. Similarly, with respect to discovery work, Attorney Barriger's compensable time begins on July 18, 2016, and the bulk of the discovery work for which Attorney Maslow-Armand seeks compensation occurred prior to that date. Furthermore, while Attorney Barriger's records include myriad consultations with Attorney Maslow-Armand (embedded among other discrete tasks grouped within entries)[4],

[4] Respondents do not object to Attorney Barriger's frequent use of "block-billing" in the time records submitted, and no reductions are applied herein for the practice. While the use of block billing is disfavored, the Commission does not automatically reduce the fee award for this reason, especially where tasks are particularly described and of short duration (when total time billed is divided by number of tasks listed). See Dalexis v. Tufts Medical Center and Julie Miglietta, 41 MDLR 166, 173 (2019), citing Haddad v. Wal-Mart Stores Inc., 455 Mass. 1024, 1027 (2010) (providing that where several tasks are grouped under one single time entry, it is appropriate to divide the hours billed by the number of tasks listed to arrive at an average time for each task).

Attorney Maslow-Armand's time does not include these consultations. It is apparent that as averred by Attorney Maslow-Armand, she took care not to log hours that were duplicate or excessive. The reduction in fees by WilmerHale and the Lawyers' Committee also addresses the objection concerning the lack of complexity in the case. While 985 hours of WilmerHale's employees' time for allegations spanning a period of less than five months, involving only two depositions and very little documentary evidence in the record (notwithstanding the time required to prepare witnesses who were not deposed and the written discovery that was conducted) seems excessive on its face, 223.1 hours of one junior attorney's time, all of which is accounted for in sufficient detail, does not.

Neither is Attorney Maslow-Armand's hourly fee of $375 too high, as it is, for example, actually lower than the rate for an attorney with 25 years of experience on the 2010 Massachusetts Law Reform Institute's fees scale (rate of $414-425 per hour listed for attorneys with 24-26 years of experience). Nevertheless, in arguing that Attorney Maslow-Armand's fee is too high, Respondents seek to minimize the role that she played in the case, suggesting that she primarily filled an interpreter's role. However, the time records submitted in support of the Petition do not lead to that conclusion, and it is unfair to Attorney Maslow-Armand, a veteran civil rights attorney, and a disservice to the Lawyers' Committee, to assume Attorney Maslow-Armand's work was no more complicated than that of a paralegal or interpreter. Instead, Attorney Maslow-Armand's affidavit is persuasive on the point of her substantive work on the case, and it is supported by her time entries, none of which include excessive time for the tasks reported. The partnership between the Lawyers' Committee and private law firms willing to work on complainants' cases of illegal discrimination pro bono and in tandem, providing

diversity of skill, resources and experience[5] to the prosecution of illegal discrimination is commendable and no doubt a service to the Commission's mission to eradicate discrimination. For these reasons as well, the number of hours and type of work Attorney Maslow-Armand performed on the case is reasonable and not excessive. "[I]n awarding attorney's fees, the Commission recognizes the strong public interest in allowing claims to proceed with competent counsel to vindicate the public interest to discourage unlawful discrimination." Sun v. University of Massachusetts, Dartmouth, 36 MDLR 85, 88 (2014) (citations omitted).

In light of the strong public interest in vindicating civil rights, reducing the fee award is also not warranted by the amount of the ultimate damage award or its relation to the amount of any settlement offer from Respondents to Ms. Hernandez. Fee awards in cases vindicating civil rights need not be proportional to the relief obtained but instead should be based on full compensation for the work performed. See Schillace v. Enos Home Oxygen Therapy, Inc., et al., 39 MDLR 59, 61 (2017), citing Diaz v. Jiten Hotel Management, Inc., 741 F.3d 170 (1st Cir. 2013). Indeed, it is an "error of law … to link the amount of recoverable attorney's fees solely to the amount of…damages." Joyce v. Town of Dennis, 720 F.3d 12, 31 (1st Cir. 2013). Similarly, Joyce contains sound reasoning that it is improper to consider reducing attorney's fees based on respondent's settlement offer at least where the offer is less than the damages, costs and attorney's fees awarded to a prevailing complainant. See Joyce, 720 F.3d 12 at 32 (trial court improperly reduced attorney's fees based on plaintiff's refusal to accept a settlement offer that was less than the damages, costs and fees awarded, where Fed. R. Civ.P. 68(d) did not apply). Accordingly, at least because Respondents offered Ms. Hernandez $5,000 less than the emotional distress damages she was awarded, attorney's fees will not be reduced on that basis.

[5] For example, Attorney Barriger was only several years out of law school at the time of the public hearing, whereas Attorney Maslow-Armand had 25 years of civil rights legal experience, including specialized experience in handling cases involving sexual harassment of low-income immigrant workers.

However, the fees should be reduced from the amounts requested in the Petition because Ms. Hernandez did not prove her entire case. When a complainant does not prevail on all claims charged "the Commission may exercise its discretion to reduce the overall fees requested by some amount that may reasonably be said to have been expended in pursuit of Complainant's unsuccessful claim. In making such a determination, we may examine the degree of interconnectedness between the two claims." Blue v. Aramark Corp., 27 MDLR 73 (2005) (internal quotations omitted). Ms. Hernandez failed to prove quid pro quo sexual harassment and her retaliation claim. However, quid pro quo harassment was but one of two available theories for a single sexual harassment claim, and many of the facts at issue in the quid pro quo harassment theory were inextricable from the hostile work environment theory, such that time spent working up both theories should not be reduced where the claim was proven. Moreover, the facts at issue in the sexual harassment claim partially related to the retaliation claim, such that a 50% reduction is not warranted. For these reasons, and in consideration of the important affirmative relief awarded (Respondents ordered to conduct sexual harassment training of managers and supervisors and to implement a formal sexual harassment policy designating a sexual harassment officer), a 30% reduction in fees is warranted. Therefore, Attorney Barriger's compensable time is reduced to 156.17 hours and Attorney Maslow-Armand's compensable time is reduced to 66.93 hours.

Finally, Respondents object to Ms. Hernandez's request for interest on attorney's fees and costs because her attorneys took the case on a pro bono basis. The Commission routinely awards interest on attorney's fees and costs (see, e.g., Univ. of Massachusetts Bos. v. Massachusetts Comm'n Against Discrimination, 73 Mass. App. Ct. 1112, at *5 (2008) (Rule 1:28), citing Harley v. Costco Wholesale Corp., 23 MDLR 140, 141 (2001); Salmon v. Costco

Wholesale Corp., 23 MDLR 142, 143 (2001)), including in cases litigated pro bono (see Garcia v. David Zak et al., 40 MDLR 57 (2018)), and both private and public interest lawyers who provide pro bono services "are entitled to compensation under a fee-shifting statute to the same extent and in the same manner as a lawyer who charged the prevailing party for her services." Juan Chen v. Wen Jing Huang, No. 1684CV00756-BLS2, 2016 WL 4729307, at *7 (Mass. Super. Sept. 7, 2016), citing Torres v. Attorney General, 391 Mass. 1, 14–15 (1984); Linthicum v. Archambault, 379 Mass. 381, 388–389 (1979); Catenada–Castillo v. Holder, 723 F.3d 48, 56 n. 4 (1st Cir.2013); Save Our Cumberland Mountains, Inc. v. Hodel, 857 F.2d 1516, 1520–1524 (D.C.Cir.1988) (en banc).

Accordingly, we conclude that an award of $64,141.25 in attorney's fees ($39,042.50 for 156.17 of Attorney Barriger's hours at $250 per hour and $25,098.75 for 66.93 of Attorney Maslow-Armand's hours at $375 per hour) is appropriate given these circumstances. We also find that counsels' requests for reimbursement of costs is reasonable and award a total of $7,755.95 for the listed expenses.

ORDER

For the reasons set forth above, we hereby affirm the decision of the Hearing Officer and Respondents are hereby Ordered:

1) To cease and desists from actions that create a sexually hostile work environment in the workplace;
2) To conduct training of the restaurant's managers and supervisors with respect to conduct in the workplace that may constitute sexual harassment and to advise the Commission when such training has been completed;

3) To implement a formal sexual harassment policy that includes the designation of a sexual harassment officer as part of its employment handbook;
4) To pay Complainant, Luvina Hernandez, the sum of $20,000 in damages for emotional distress, with interest thereon at the rate of 12% per annum from the date the complaint was filed until such time as payment is made or this Order is reduced to a court judgment and post judgment interest begins to accrue;
5) To pay Complainant, Luvina Hernandez, the sum of $64,141.25 in attorney's fees and costs with interest thereon at the rate of 12% per annum from the date the petition for attorney's fees and costs was filed, until paid, or until this Order is reduced to a court judgment and post-judgment interest begins to accrue.

In accordance with 804 CMR 1.24(1) (2020) and 804 CMR 1.23(12)(e) (2020), the within Order is not a final decision or order for the purpose of judicial review by the Superior Court in accordance with M.G.L. c. 151B, § 6 and M.G.L. c. 30A. Pursuant to 804 CMR 1.23(12)(c) and (d) (2020), Complainant has fifteen (15) days from receipt of this Order to file a petition for supplemental attorney's fees and costs incurred as a result of litigating the appeal to the Full Commission, and Respondent has fifteen (15) days from receipt of the petition to file an opposition.

The Commission will issue a Notice of Entry of Final Decision and Order when either the time for filing a petition for attorney's fees and costs has passed without a filing, or a decision on the petition is rendered. The Commission's Notice of Entry of Final Decision and Order will represent the final action of the Commission for purposes of M.G.L. c. 151B, § 6 and M.G.L. c.

30A § 14(1). The thirty (30) day time period for filing a complaint challenging the Commission's Final Decision and Order commences upon service of such Notice.

SO ORDERED[6] this 2nd day of November, 2020

Monserrate Quiñones
Commissioner

Neldy Jean-Francois
Commissioner

[6] Chairwoman Sunila Thomas George was the Investigating Commissioner in this matter, so did not take part in the Full Commission Decision. See 804 CMR 1.23(6) (2020).