

Newsday.com

Bias claims against Hempstead Town employee rejected

BY EDEN LAIKIN

eden.laikin@newsday.com

October 9, 2008

A federal jury yesterday rejected claims by two former part-time employees that a Hempstead Town sanitation supervisor sexually harassed them and discriminated against them because of their race.

A jury of seven women and three men found in favor of Frank Pepe, 44, rejecting all six claims by Nicole Starks, 24, and Janine Smith, 28. The two are black and Pepe is white.

"It's disappointing," said lawyer Fred Brewington, who represented the women in the nearly five-week trial.

"These ladies had a real story to tell and unfortunately the jury did not think they proved their case."

Pepe's attorney, Joshua Jemal of Mineola, said his client is very grateful to be able to move on with his life, both with his wife and family and professionally.

"Both my client, Mr. Pepe, and the Town of Hempstead are very grateful that the jury was able to see through the allegations to the truth of the matter and to understand that under the law there was no sexual harassment or discrimination," Jemal said.

John Ryan, attorney for the town, could not be reached to comment. The suit claimed the town didn't follow its own harassment policy or properly investigate the women's claims.

Brewington had asked the jury to award \$1.7 million for emotional distress and punitive damages against Pepe and his superior, John Sandrowitz, who, the suit contended, ignored the women's complaints.

But the jury, after deliberating for a day and a half at U.S. District Court in Central Islip, found that neither Pepe nor the town were liable.

Starks and Smith contend that Pepe, a supervisor in their department, offered them job-related perks and gifts for sexual favors and they felt pressured.

The defense insisted Smith had a consensual affair with Pepe from 2001 until 2003 and never mentioned harassment until Starks complained of it in 2003.

Copyright © 2008, [Newsday Inc.](http://www.newsday.com)

