

BEFORE THE MONTGOMERY COUNTY COMMISSION ON HUMAN RIGHTS

Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6660

GISELLE PAUTRAT,

Complainant,

v.

FOUNDATION FOR FINANCIAL EDUCATION (F3E),

JONATHAN LEE,

CAPITAL FINANCIAL PARTNERS,

Respondents.

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OZAH No. HR-19-01
(OHR No. E-06021)

HEARING EXAMINER REPORT AND RECOMMENDATION

Over seven years since Ms. Pautrat filed her complaint with the Office of Human Rights alleging she was victim of both sex discrimination and retaliation in violation of the County's Human Rights Law this case may finally be dismissed because her attorneys have stipulated that the only remaining issues, involving attorneys' fees, "have been settled to the satisfaction of the Parties." (Docket entry 165, Jul. 18, 2022).

In April 2021, the Commission, acting through its Case Review Board, affirmed the Hearing Examiner Report and Recommendation that the three respondents had discriminated against Ms. Pautrat and that her two employers, the Foundation for Financial Education and Capital Financial Partners, had retaliated when she protested her mistreatment. The Board also agreed she was entitled to damages and reimbursement of attorneys' fees.

On appeal, the Circuit Court for Montgomery County, affirmed the Commission holdings that Ms. Pautrat had been the victim of unlawful discrimination and retaliation by the respondents and was entitled to damages for humiliation and embarrassment, as well as interest, under the County's Human Rights Law, M.C. Code § 27-8(a) and (c). (Docket entry 150, case no. 485580V). The court remanded for additional evidence on the amount of attorneys' fees to which Ms. Pautrat's counsel were entitled and how responsibility for those fees should be allocated. (*Id.* at 3). On February 4, 2022, the Board remanded the case to the Office of Zoning and Administrative Hearings. (Docket entry, 152).

Shortly after remand, I issued an Order setting deadlines for initial filings by the parties. (Docket entry 153). The Order recommended that the parties consider settling their disputes rather than continuing costly litigation:

It would . . . be in the interests of each party to settle this case without further litigation. To assist the parties to settle their disputes, arrangements

will made with a neutral mediator who would voluntarily assist consenting parties to settle their relevant fee disputes.

On March 4, counsel for Ms. Pautrat reported that the parties had stipulated they were willing to have their disputes referred for mediation. (Docket entry 154).

On March 11, the parties' request for mediation was granted and further submissions in the litigation were suspended for thirty days. (Docket entry 156). The parties were referred to Michael C. Lang, who has performed mediation for the Office of Consumer Protection as a volunteer and came highly recommended; he agreed to help settle the remaining disputes. (Id.)

Settlement discussions hit various bumps, requiring several extensions of time. (Docket entries 158, 159, 160). When it seemed that the parties might not be able to settle after all, I issued an Order suspending litigation until June 20, but cautioned that if agreements hadn't been finalized by then the information required to be filed on behalf of Ms. Pautrat would be due then and respondents' required information would be due by July 5. (Docket entry 168). Those deadlines came and went without filings. As a result, I issued an Order on July 12 requiring the parties to file a joint or several statement(s) by July 22 as to whether one or more issues still needed to be litigated. (Docket entry 164). The Order warned that if there was no timely response, I would recommend that the Commission close the case for complainant's failure to prosecute and for respondents' failure to defend. (Id).

Fortunately, as the stipulation filed by counsel for Ms. Pautrat implies, thanks to Mr. Lang's determined efforts and to the willingness of the parties to compromise, this case can now be closed.

I therefore recommend that the Board and Commission dismiss and close this case.

Respectfully submitted.


 LUTZ ALEXANDER PRAGER
Hearing Examiner

July 26, 2022

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Mediator