

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <b>510-2023-04320</b>	
Florida Commission on Human Relations _____ and EEOC _____ <small>State or local Agency, if any</small>			
<small>Name (Indicate Mr., Ms., Mrs.)</small> <b>Mr. Harlan E. Goldberg</b>		<small>Home Phone (Incl. Area Code)</small> <b>(917) 370-7623</b>	<small>Date of Birth</small> <div style="background-color: black; width: 100px; height: 20px;"></div>
<small>Street Address</small> <span style="float: right;"><small>City, State and ZIP Code</small></span> <b>3201 NE 183rd Street, Apt. 904, Aventura, FL 33160</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)			
<small>Name</small> <b>Bespoke Real Estate LLC</b>		<small>No. Employees, Members more than 20</small> <b>more than 20</b>	<small>Phone No. (Incl. Area Code)</small> <b>(305) 800-9030</b>
<small>Street Address</small> <span style="float: right;"><small>City, State and ZIP Code</small></span> <b>119 Washington Avenue, Suite 500 Miami Beach, FL 33139</b>			
<small>Name</small> <b>Bespoke Luxury Marketing LLC</b>		<small>No. Employees, Members</small> <b>unknown</b>	<small>Phone No. (Incl. Area Code)</small> <b>(305) 800-9030</b>
<small>Street Address</small> <span style="float: right;"><small>City, State and ZIP Code</small></span> <b>119 Washington Avenue, Suite 500 Miami Beach, FL 33139</b>			
<small>DISCRIMINATION BASED ON (Check appropriate box(es).)</small> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> RACE</div> <div style="width: 50%;"><input type="checkbox"/> COLOR</div> <div style="width: 50%;"><input type="checkbox"/> SEX</div> <div style="width: 50%;"><input checked="" type="checkbox"/> RELIGION</div> <div style="width: 50%;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="width: 50%;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="width: 50%;"><input type="checkbox"/> AGE</div> <div style="width: 50%;"><input type="checkbox"/> DISABILITY</div> <div style="width: 50%;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="width: 50%;"><input type="checkbox"/> OTHER (Specify)</div> </div>			<small>DATE(S) DISCRIMINATION TOOK PLACE</small> <div style="display: flex; justify-content: space-between;"> <div> <small>Earliest</small>  <b>4/4/2019</b> </div> <div> <small>Latest</small>  <b>12/31/2022</b> </div> </div> <input checked="" type="checkbox"/> CONTINUING ACTION
<small>THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):</small> Employer: Bespoke Real Estate Florida LLC, unknown number of employees, Phone No. (305) 800-9030, 119 Washington Avenue, Suite 500, Miami Beach, FL 33139. I do not know how many employees each of the three individual entities named as employers has separately, but I am alleging that all three entities are part of a single integrated enterprise and a single employer, and/or that they jointly handle aspects of their employer-employee relationships such that each of them functioned as my employer. Together, these three entities have over 20 employees. (Collectively, these three entities are the "Bespoke Entities.") 1. STATEMENT OF HARM. I am Jewish, and I opposed the discriminatory conduct of my one of my employers, Bespoke Real Estate LLC ("Bespoke RE") towards another employee of Bespoke RE, Jarret Willis ("Willis"), on the basis of Willis's race as an African American. On September 22, 2022, I was terminated by the Bespoke Entities as President of Bespoke Real Estate Florida LLC ("Bespoke Florida"), another of my employers. (This is the "Termination.") In addition, on multiple occasions, Bespoke RE and Bespoke Florida have not, or have advised me they will not, pay me the commissions I was owed on real estate transactions on which I had procured either a buyer or a seller, or, in one case, both, on behalf of one of them. These dates of nonpayment include September 2022, after I had procured a transaction for Bespoke Florida, but Bespoke Florida had transferred it to another brokerage company, and instead another person received the commission that ordinarily I would have received for my role in the transaction. Another such date was in December 2022, after the Termination, when another transaction I had procured for Bespoke Florida had closed, but Bespoke Florida had transferred it to another individual sales agent within Bespoke Florida and that other person instead received the commission. There was another such transaction in which I had procured both the buyer and seller for Bespoke Florida. Bespoke Florida has not yet received its commission on that transaction and thus does not yet owe me my share of it, but it has informed me that it ultimately will pay me more than one million dollars less in commissions than what I am owed on that transaction. (These are the "Unpaid Commissions.") Furthermore, from the beginning of my employment with the Bespoke Entities in April 2019 until the Termination on September 22, 2022, I was subjected to a hostile work environment due to my Jewish religion. All of the founding partners of Bespoke RE, each of whom is still involved in one or more of the Bespoke Entities, have contributed to this. Bespoke RE's founding partners are Zachary Vichinsky			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.  I declare under penalty of perjury that the above is true and correct.		<small>NOTARY - When necessary for State or Local Agency Requirements</small>  I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>	
<div style="display: flex; justify-content: space-between;"> <div> <b>3/6/23</b>  <small>Date</small> </div> <div>   <small>Charging Party Signature</small> </div> </div>		<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>	

<p style="text-align: center;"><b>CHARGE OF DISCRIMINATION</b></p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: _____ Agency(ies) Charge No(s): _____</p> <p><input type="checkbox"/> FEPA</p> <p><input checked="" type="checkbox"/> EEOC <b>510-2023-04320</b></p>
<p>Florida Commission on Human Relations _____ and EEOC</p> <p style="font-size: small;">State or local Agency, if any</p>	
<p><small>THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):</small></p> <p>("Z. Vichinsky"), now the CEO and managing member of the Bespoke Entities; Cody Vichinsky ("C. Vichinsky"), now the president of the Bespoke Entities (collectively, Z. Vichinsky and C. Vichinsky are the "Vichinskys"); and Michael Cantwell ("Cantwell"), now the Chief Creative Officer and Chief Marketing Officer of the Bespoke Entities, and who runs Bespoke Luxury Marketing LLC ("Bespoke Marketing"). In my presence, Z. Vichinsky coined an adjective, "kikey," to denigrate Jewish clients whom Z. Vichinsky perceived as being difficult, and often used the phrase "cheap Jew." I am informed that C. Vichinsky had a habit of using, in Willis's presence, the phrase "kike down" in the place of "calm down." In or about July 2022, during an argument between Z. Vichinsky and me regarding whether Willis and I would be paid commissions owed to us on a transaction, Z. Vichinsky called me "a Jewish American princess" and a "bitch" and a "faggot." On a nearly daily basis, from in or about April 2019 to in or about September 2022, Cantwell would make business-related conference telephone calls in which the Vichinskys, other employees of the Bespoke Entities, and I would participate. In the course of nearly all such calls, Cantwell would begin the conversation by asking me, "how is your Jewish penis?" or words to that effect. Cantwell would do so, even if persons other than Cantwell and I were participating, including female officers or employees of the Bespoke Entities. This made me feel extremely uncomfortable. The work environment at the Bespoke Entities was also hostile towards members of other minority groups, including African Americans like Willis. (This hostile environment is the "Hostile Work Environment.")</p> <p>2. RESPONDENTS' REASON OR POLICY FOR EACH HARM. Z. Vichinsky, the CEO and managing member of the Bespoke Entities, told me the Termination took place because, for a period of months, I had not come to Bespoke Florida's office in Miami, provided updates on my efforts, or initiated any proactive communications with the company about anything related to the scope of my work. (None of these were true. I consistently came to work at the Miami office, and other employees with far worse attendance records were not fired.) An alternative reason for the Termination, which the Bespoke Entities gave to another person, was that Bespoke could not afford to pay my salary. (This was also untrue.) Regarding the Unpaid Commissions and the Hostile Work Environment, I was never given a reason.</p> <p>3. STATEMENT OF DISCRIMINATION. I believe that the Termination and the Unpaid Commissions were because of my religion, in violation of Title VII of the Civil Rights Act of 1964, as amended, Section 703, at 42 U.S.C. § 2000e-2(a)(1), and as retaliation for my opposition to employment discrimination against Willis, in violation of Title VII of the Civil Rights Act of 1964, as amended, Section 704, at 42 U.S.C. § 2000e-3(a). I had opposed employment discrimination by Bespoke RE and Bespoke Florida against Willis, an African American, in the following ways:</p> <p>a. When another employee of the Bespoke Entities, Ira Hasson, who is white, contacted Willis's clients and demanded that they deal with the Bespoke Entities through him rather than Willis (the "Hasson Client Interference"), I viewed it as discriminatory. I reported it to the Vichinskys and to Kayt Gray Schadley, the Bespoke Entities' Vice President of Client Services ("Gray"). I told Gray it was discriminatory, as well as unacceptable and a firing offense.</p> <p>b. On many occasions, from in or about March 2021 to in or about September 2022, the Vichinskys, in the presence of both Willis and me, said that Willis was stupid, knew nothing about the real estate industry, and messed everything up (the "Unfounded Willis Criticism"). This was untrue. I objected to these mischaracterizations of Willis's performance, and told the Vichinskys that Willis was Bespoke's star employee.</p> <p>c. At the offices of the Bespoke Entities in both Miami, Florida and Long Island, New York, C. Vichinsky, and other officers and employees of the Bespoke Entities, disparaged Willis in racist terms. An employee at the Long Island office orally called Willis a "nigger" on a daily basis, and sent him text messages calling him a "nigger" or a variation on that word. The Vichinskys and other Bespoke Entities officers at both offices called Willis "Jafar," in comparison to the manipulative, brown-skinned villain of the same name in the movie "Aladdin." (This is the "Racist Disparagement.") (Continued on attached page.)</p>	
<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p><small>NOTARY – When necessary for State or Local Agency Requirements</small></p>
<p>I declare under penalty of perjury that the above is true and correct.</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p>
<p>5/6/23 _____ Date Charging Party Signature</p>	<p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>

**EEOC Charge Number: 510-2023-04320**

EEOC Form 5

Charge of Discrimination

Presented to EEOC and Florida Commission on Human Relations

By Harlan E. Goldberg, against Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC, and Bespoke Real Estate Florida LLC.

Additional Page

The Particulars (continued)

3. STATEMENT OF DISCRIMINATION (Continued)

d. Bespoke RE would not permit Willis, a real estate salesperson, to show to prospective buyers, by himself, properties that he was attempting to sell. This was contrary to industry practice, and I believe was done so that Willis would not, as an African American, be the public-facing face of Bespoke RE. (This is the “Discriminatory Selling Restriction.”)

e. In or about August 2022, I reported, to counsel representing me in a commissions dispute with the Bespoke Entities, the Hasson Client Interference, Unfounded Willis Criticism, Racist Disparagement, and Discriminatory Selling Restriction. Upon information and belief, my counsel contacted the Bespoke Entities, through their counsel, and informed them of each of these instances of discrimination. The month after this happened, the Termination occurred.

I believe that the Hostile Work Environment was because of my religion, in violation of Title VII of the Civil Rights Act of 1964, as amended, Section 703, at 42 U.S.C. § 2000e-2(a)(1).



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Miami District Office

One Biscayne Tower  
2 South Biscayne Blvd., Suite 2700  
Miami, FL 33131  
PH: (305) 536-4491  
TDD: (305) 536-5721  
FAX: (305) 536-4011

CHARGING PARTY/COMPLAINANT DESIGNATION OF REPRESENTATION FORM

EEOC CHARGE NO. 510-2023-04320

The Charging Party/Complainant is entitled to be represented in connection with a charge/complaint by an individual or organization of his/her choice, unless the choice results in a conflict of position or conflict of interest for the persons or organizations chosen. A representative may assist and counsel a Charging Party in the preparation and presentation of his/her charge/complaint and appear with or for the Charging Party/Complainant before the Equal Employment Opportunity Commission. The Commission does not designate representatives for Charging Parties/Complainants.

When the Charging Party/Complainant designates a representative, the Charging Party/Complainant gives his/her consent to the Commission to disclose all information concerning the charge/complaint to the person or organization designated. Failure of the Charging Party/Complainant to complete and return this form or a similar statement may preclude any representative from participating in the case while it is pending before the Commission.

I hereby designate the individual or organization named below to represent me in connection with my charge/complaint before the Equal Employment Opportunity Commission and to receive all information concerning the complaint from the Commission.

Brandon M. Zlotnick

Name of Representative

(212) 825-0365

Telephone Number

Adam Leitman Bailey, P.C., 18th Floor

Building and Suite Number

One Battery Park Plaza

Address (Number and Street)

New York

City

NY

State

10004

Zip Code

[Signature]  
Signature of Charging Party/Complainant (DO NOT PRINT)

3/7/23  
Date

I understand that this designation may be cancelled by me or the individual or organization I have designated and that I am responsible for notifying the Commission in writing of any such cancellation.

**\*YOU MUST RETURN THIS FORM IF YOU ARE REPRESENT BY AN ATTORNEY.**