

## New York State Division of Human Rights Employment Complaint Form

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18.

<b>1. Your contact information:</b>											
First Name <u>Jarret</u>		Middle Initial/Name <u>I.</u>									
Last Name <u>Willis</u>											
Street Address/ PO Box <u>92 Wainscott Hollow Road</u>		Apt or Floor #:									
City <u>Wainscott</u>		State <u>NY</u>	Zip Code <u>11975</u>								
If you are filing on behalf of another, provide the name of that person:		Date of birth:	Relationship:								
<b>2. Regulated Areas:</b> Check the area where the discrimination occurred: (If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.) <table style="width: 100%; margin-top: 10px;"> <tr> <td><input checked="" type="checkbox"/> Employment (<i>including paid internship</i>)</td> <td><input type="checkbox"/> by a Labor Organization</td> </tr> <tr> <td><input type="checkbox"/> Internship (<i>unpaid</i>)</td> <td><input type="checkbox"/> Apprentice Training</td> </tr> <tr> <td><input type="checkbox"/> Contract Work (<i>independent contractor, or work for a contractor</i>)</td> <td><input type="checkbox"/> by a Temp or Employment Agency</td> </tr> <tr> <td><input type="checkbox"/> Volunteer Position</td> <td><input type="checkbox"/> Licensing</td> </tr> </table>				<input checked="" type="checkbox"/> Employment ( <i>including paid internship</i> )	<input type="checkbox"/> by a Labor Organization	<input type="checkbox"/> Internship ( <i>unpaid</i> )	<input type="checkbox"/> Apprentice Training	<input type="checkbox"/> Contract Work ( <i>independent contractor, or work for a contractor</i> )	<input type="checkbox"/> by a Temp or Employment Agency	<input type="checkbox"/> Volunteer Position	<input type="checkbox"/> Licensing
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<input type="checkbox"/> Volunteer Position	<input type="checkbox"/> Licensing										
<b>3. You are filing a complaint against:</b>											
Employer, Worksite, Agency or Union Name <u>Bespoke Real Estate LLC</u>											
Street Address/ PO Box <u>903 Montauk Highway</u>											
City <u>Water Mill</u>		State <u>New York</u>	Zip Code <u>11976</u>								
Telephone Number: <u>(631) 500-9030</u>											
In what <i>county or borough</i> did the violation take place? <u>Suffolk County</u>											
Individual people who discriminated against you:											
Name: <u>Cody Vichinsky</u>		Title: <u>President</u>									
Name: <u>Zachary Vichinsky</u>		Title: <u>CEO and Managing Member</u>									
If you need more space, please list them on a separate piece of paper.											
<b>4. Date of alleged discrimination (<i>must be within one year of filing</i>):</b>											
The most recent act of discrimination happened on: <u>Dec.</u> <u>14</u> <u>2022</u> <div style="text-align: center; margin-top: -10px;">month      day      year</div>											
<b>5. For employment and internships, how many employees does this company have?</b>											
<input type="checkbox"/> 1-14 <input type="checkbox"/> 15-19 <input checked="" type="checkbox"/> 20 or more <input type="checkbox"/> Don't know											

<b>6. Are you currently working for this company?</b>	
<input type="checkbox"/> Yes. Date of hire:      _____ <div style="text-align: center; margin-left: 100px;">             month      day      year           </div>	What is your position?
<input checked="" type="checkbox"/> No. Last day of work:    12      14      2022 <div style="text-align: center; margin-left: 100px;">             month      day      year           </div>	What was your position? <b>Licensed Real Estate Associate</b>
<input type="checkbox"/> I was never hired. Date of application:      _____ <div style="text-align: center; margin-left: 100px;">             month      day      year           </div>	What position did you apply for?

<b>7. Basis of alleged discrimination:</b>	
Check <b>ONLY</b> the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.	
<input type="checkbox"/> <b>Age:</b> Date of Birth: _____	<input type="checkbox"/> <b>Familial Status:</b>
<input type="checkbox"/> <b>Arrest Record</b>	<input type="checkbox"/> <b>Military Status:</b> <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran
<input type="checkbox"/> <b>Conviction Record</b>	<input type="checkbox"/> <b>Marital Status</b> <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
<input type="checkbox"/> <b>Creed/ Religion:</b> Please specify: _____	<input type="checkbox"/> <b>National Origin:</b> Please specify: _____
<input type="checkbox"/> <b>Disability:</b> Please specify: _____	<input type="checkbox"/> <b>Predisposing Genetic Characteristic:</b>
<input type="checkbox"/> <b>Domestic Violence Victim Status</b>	<input type="checkbox"/> <b>Pregnancy-Related Condition:</b> Please specify: _____
<input type="checkbox"/> <b>Gender Identity or Expression, Including the Status of Being Transgender</b>	<input type="checkbox"/> <b>Sexual Orientation:</b> Please specify: _____
<input checked="" type="checkbox"/> <b>Race/Color or Ethnicity:</b> Please specify: <u>African American</u> <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle	<input type="checkbox"/> <b>Sex:</b> Please specify: _____ Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> <b>Use of Guide Dog, Hearing Dog, or Service Dog</b>	
If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below: <input type="checkbox"/> <b>Retaliation:</b> How did you oppose discrimination: _____	
If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below. <input type="checkbox"/> <b>Relationship or association</b>	

**8. Acts of alleged discrimination:** *What did the person/company you are complaining against do? Check all that apply*

<input type="checkbox"/> Refused to hire me	<input checked="" type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Denied my request for an accommodation for my disability, or pregnancy-related condition	<input type="checkbox"/> Sexual harassment
<input checked="" type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for domestic violence	<input checked="" type="checkbox"/> Harassed or intimidated me on any basis indicated above
<input checked="" type="checkbox"/> Demoted me	<input type="checkbox"/> Did not call back after lay-off	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Denied services or treated differently by a temp or employment agency
<input type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Denied a license by a licensing agency
<input type="checkbox"/> Denied me training	<input checked="" type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Discriminatory advertisement or inquiry or job application	<input checked="" type="checkbox"/> Other: Denied me commissions

## 9. Description of alleged discrimination

***Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.***

### Hostile Work Environment

The work environment at Bespoke Real Estate LLC ("Bespoke") was very hostile towards African Americans and other minority groups. From in or about April 2021 to in or about September or October of 2021, I worked in Bespoke's office in Water Mill, New York (the "Water Mill Office") approximately four to five days per week. From in or about April 2022 to in or about mid-December 2022, I worked in the Water Mill Office approximately two to three days per week. Lisa Kling ("Kling"), another Bespoke employee, worked in the Water Mill Office during the same periods of time as I did. Throughout this period, on a daily basis, Kling would orally address me by the word "nigger." Despite her doing so, Kling was not only not fired nor, to my knowledge, disciplined, she was promoted, in or about July 2021, from her original position as secretary to assistant to Cody Vichinsky ("C. Vichinsky"), who was and is the president of Bespoke. In addition, Kling sent me text messages in which she addressed me as "nigger" or a variant of that word. (See Exhibits 1 and 2 hereto.)

In or about early 2021, I was at Bespoke's office in Miami, Florida, along with C. Vichinsky and Harlan Goldberg ("Goldberg"), another Bespoke employee. I asked C. Vichinsky, "What should we get for lunch?" He replied, "How about some watermelon and fried chicken, you nigger." Besides using a racial epithet, this comment was discriminatory in that it invoked the racist stereotype of African Americans liking watermelon and fried chicken.

In or about March 2021, while Zachary Vichinsky ("Z. Vichinsky"), Bespoke's CEO and managing member, was in Goldberg's physical presence and I was on the telephone with them, Z. Vichinsky, in reference to a personal purchase that C. Vichinsky was considering, stated, "It's hard because [C. Vichinsky] spends his money like a fucking nigger."

From in or about September or October 2021 through in or about April 2022, I temporarily relocated to Bespoke's office in Miami, Florida (the "Miami Office"). I worked out of the Miami Office approximately four to five days per week from in or about September or October 2021 to February 2022, and approximately two to three days per week from February 2022 to April 2022. Throughout the time I worked at each of those offices, when I was present, various Bespoke officers would address me by the name "Jafar," a reference to the manipulative, brown-skinned magician who was the villain in Disney's 1992 movie "Aladdin." C. Vichinsky, Z. Vichinsky (collectively, C. Vichinsky and Z. Vichinsky are the "Vichinskys"), Kayt Gray Schadley ("Gray"), Bespoke's Vice President of Client Services, and Joseph De Sane, Bespoke's Managing Director, all addressed me as "Jafar." When I asked why they called me by that name, Z. Vichinsky replied that it was because "you look like Jafar" and, like Jafar, I am an evil sorcerer who conjures things up and manipulates my friends. Bespoke's officers also used "Jafar" as a verb, asking me "to Jafar," i.e., con, others, including my friends, into doing my bidding for Bespoke's benefit, for example, listing their properties for sale with Bespoke. Z. Vichinsky also sent at least one text message, in February 2022, in which he accused me of "Jaffaring" [sic], or misleading, employees of Bespoke. Moreover, Bespoke issued me an email account under the company's domain name, and, without my knowledge, assigned the password "Jafar24!" to it, though that was automatically filled and invisible whenever I attempted to (Continued on Additional Page 1.)

*If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. **DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.***

### Signature (Declaration or Oath)

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL JW

Human Rights Law § 297.1 requires that a complaint filed with the Division of Human Rights must be "under oath or by declaration." **You must complete either the "declaration" or "oath" sections below.** The declaration requires only your signature and does not need to be notarized. The oath requires that you sign it before a notary.

#### DECLARATION

I affirm this 10 day of February (month), 2023 (year) at Wainscott (city), NY (state), under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Jared Wells  
[Complainant name]

#### OATH

STATE OF NEW YORK )  
COUNTY OF )

SS: [REDACTED]

[REDACTED], being duly sworn, deposes and says: that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and knows the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believes the same to be true.

[REDACTED]  
Complainant signature

Subscribed and sworn to  
before me this      day  
of                      , 20

\_\_\_\_\_  
Signature of Notary Public

**Please note: Once this form is completed and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.**

Employment Discrimination Complaint Form  
Submitted by Jarret Willis  
Additional Pages

Response to Item 3, continued  
Individual people who discriminated against you:

Name: Lisa Kling

Title: Executive Assistant

Response to Item 9, continued  
Description of alleged discrimination

log in to the account on my company laptop. I think this was discriminatory because, as Z. Vichinsky said, it was because both Jafar and I are dark-skinned, and as far as I know no Bespoke employee ever referred to any person other than I as "Jafar," nor did they use "Jafar" as a verb with regard to any person other than I.

Even the seating arrangement at the Water Mill Office made me feel excluded. All other Bespoke employees there had assigned seats, but on a daily basis I just had to take any seat, throughout the office, was free.

On or about December 1, 2022, Z. Vichinsky sent me, through Instagram, a direct message containing a vulgar video that I believe was racist. It featured a talking dark brown coconut tree telling a white woman to suck the milk out of his nuts, then telling the viewers "you've all sucked on these nuts." The tree spoke with a stereotypically African American voice. This video perpetuates stereotypes about African Americans being sexually promiscuous, and exploits fears of white women being romantically involved with African Americans.

Bespoke also excluded me from a social function to which, to the best of my knowledge, all other Bespoke employees in the Water Mill Office were invited. Each August, the Hampton Classic, a horse show, is held in Bridgehampton, New York. In August 2022, Bespoke rented a booth at the Hampton Classic, and Bespoke invited all employees at the Water Mill Office, except me, to the event. Based on all of the other racism that Bespoke directed at me and other African Americans, I believe my exclusion from this was also made out of racism.

I am informed that on one occasion, C. Vichinsky asked Goldberg, "What are you, a nigger-lover?" In addition, in my presence, the Vichinskys and Kling, on multiple occasions, used racist slurs in reference to members of other racial minorities, including "spic" and "sand nigger."

Bespoke's work environment also featured rampant anti-Semitism. Both Vichinskys frequently used the word "kike" in reference to Jews. C. Vichinsky had a bizarre habit of using, in my presence, the phrase "kike down" in place of "calm down." I am informed that in Goldberg's presence, Z. Vichinsky coined an adjective, "kikey," to denigrate Jewish clients Z. Vichinsky perceived as being difficult, and often used the phrase "cheap Jew." I am informed that in or about July 2022, during an argument between Goldberg and Z. Vichinsky regarding whether Bespoke

would pay Willis and Goldberg commissions owed to them with regard to Bespoke's sale of three units in a new high-end residential development in Miami, Florida called the Waldorf Astoria Residences Miami ("Waldorf") (the "Waldorf Transaction"), Z. Vichinsky called Goldberg "a Jewish American princess" and a "bitch" and a "faggot." Anti-Semitism also came from the third founding partner of Bespoke, along with the Vichinskys, was Michael Cantwell ("Cantwell"), who at all relevant times was the Chief Creative Officer and Chief Marketing Officer of Bespoke and ran Bespoke Luxury Marketing, LLC, a company affiliated with Bespoke. I am informed that 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 Goldberg, the Vichinskys, and other employees of Bespoke would participate. In the course of nearly all such calls, Cantwell would begin the conversation by asking Goldberg, "how is your Jewish penis?" or words to that effect. Cantwell would do so, even if persons other than Cantwell and Goldberg were participating, including female officers or employees of Bespoke. I am informed this made Goldberg feel extremely uncomfortable.

#### Discriminatory Limitations Placed on My Duties

While I worked for Bespoke, it was standard custom and practice in the residential real estate sales industry for real estate salespersons working on a potential sale of a property to guide prospective purchasers on tours of that property, without another employee of the brokerage company present. However, with regard to me, Bespoke conducted matters differently. From the start of my employment with Bespoke, Bespoke never permitted me to show a property to prospective purchasers by myself. Indeed, on most occasions, Bespoke never even informed me in advance of showings of properties that I was attempting to sell. My exclusion from the property-showing phase was especially nonsensical considering that, on most occasions, I had not only persuaded the seller to list the property with Bespoke, but I had more extensive knowledge of the property being sold than a real estate salesperson ordinarily would have had, in that I had been personally acquainted with the seller for years and had visited the property on multiple occasions over that time, I was therefore in a better position than most real estate salespersons would have been in to answer questions from prospective purchasers about that property. On a handful of occasions, if the seller had asked the Vichinskys to permit me to show their property, the Vichinskys would permit me to show the property, but even then only with another representative of Bespoke present. When I asked the Vichinskys why they would not permit me to show properties by myself, neither the Vichinskys, nor anyone else at Bespoke, ever provided a reason.

I believe the reason the Vichinskys and Bespoke did not permit me to show properties by himself, and avoided, as best they could, allowing me to participate in showings generally, was that I am African American and they did not wish to present, to potential purchasers, Bespoke as being represented by an African American. My reason for so believing is that doing so was contrary to industry practice, and nonsensical in light of my superior knowledge of the properties, but was consistent with the racist name-calling in which Bespoke engaged.

#### Bespoke's Permitting a White Employee to Attempt to Steal My Clients

In or about July 2021, Bespoke hired Ira Hasson ("Hasson") to work in the Miami Office. Hasson is Caucasian, and he is in his 60s in age. To my knowledge, prior to his being hired by Bespoke, Hasson had no prior experience in the real estate brokerage industry. Shortly after he began



employment with Bespoke, Hasson began contacting clients whom I had brought to Bespoke, disparaging me to them, and instructing them to deal with Bespoke exclusively through Hasson individually rather than through me. (This is the “Client Interference.”)

Upon learning of the Client Interference, I reported it to Gray and the Vichinskys. I also told Goldberg about it, and I am informed that Goldberg promptly reported the Client Interference to the Vichinskys and Gray, informed Gray that “this is discrimination,” and advised Gray that Hasson’s conduct was unacceptable and a firing offense.

The Vichinskys and Gray were supervisors of Hasson, and had authority to assign work to Hasson, take assigned work away from Hasson, to promote or demote Hasson, and to terminate Hasson’s employment with Bespoke. However, to the best of my knowledge, Bespoke did not discipline Hasson for the Client Interference, or otherwise act to end the Client Interference.

I believe that Bespoke’s perpetration and condoning of the Client Interference was motivated by racial bias against me. The reason I think so is that, based on my vast network of personal connections, I had drawn a significant number of client listings for Bespoke, resulting in significant income for Bespoke, and there was no reason other than race to shift my clients to another, white employee of Bespoke.

### My Demotion

In or about late March or April 2021, I had been promoted to the position of Vice President of Bespoke Parallel. Bespoke Parallel was and is a division of Bespoke that operated in real estate markets in which Bespoke did not have a significant presence. Bespoke, at the time, had a significant presence in, among other locations, the Hamptons on New York’s Long Island, and New York City. My responsibilities, as Vice President of Bespoke Parallel, were to work with other real estate brokerage firms with greater presences, and home offices, in other markets, in order to enable Bespoke to conduct transactions of properties in those markets, and to represent persons residing in those markets who wished to purchase or sell properties in markets in which Bespoke already had a significant presence. As Vice President of Bespoke Parallel, I built relationships with brokers with existing offices in locations including Miami, Florida; Palm Beach, Florida; and Aspen, Colorado. Throughout my time as Vice President of Bespoke Parallel, I continued to perform my duties as a licensed real estate sales associate.

In or about late April 2022, Gray informed me that I was being stripped of my position as Vice President of Bespoke Parallel, and that Hasson would be replacing me in that role (the “Demotion”). I believe the Demotion occurred because of my race. I believe this is so because I am African American, Hasson is Caucasian, and that I had been performing well for Bespoke, and had procured many clients and transactions for Bespoke, including but not limited to, with Goldberg, the purchaser in the Waldorf Transaction that would lead to a commission of \$3,100,000, the largest commission in Bespoke’s history. In addition, I am informed that, prior to replacing me as Vice President, Hasson had not procured a single deal, brought forth a single client, or, indeed, engaged in any business that produced income for Bespoke.

After the Demotion, I continued to work for Bespoke as a as a licensed real estate sales associate.



### Bespoke's Systematic Deprivation of My Commissions

On multiple occasions, I obtained clients for Bespoke that led to sales and commissions paid to Bespoke, only for Bespoke not to pay me all or part of the commissions that Bespoke owed to me. These include, but are not limited to, the following transactions:

1. The Waldorf Transaction, on which Goldberg and I procured the purchaser and for which I am owed \$1,085,000 in commissions but have been paid none of that;
2. Sale of property located at 115 Beach Lane in Wainscott, New York, on which I procured the seller;
3. Purchase of property located at 236 Quimby Lane, Bridgehampton, New York, on which I procured the purchaser;
4. Purchase of property located at 140 Hayground Cove Road, Water Mill, New York, on which I procured the purchaser; and
5. Purchase of unit 1801 in the Forte Condominium Residences, on which Goldberg and I procured the purchaser.

Based on the other incidents of racism within Bespoke, I believe these actions were also racially motivated.

### My Forced Resignation from Bespoke

Being forced to deal with racial epithets and the “Jafar” nickname, as well as Bespoke’s derision of other members of minority groups, took a huge emotional toll on me, causing me tremendous mental distress and anguish. The last straw was on December 11, 2022, when I learned that Bespoke had made “Jafar24!” the password for my Bespoke email account. On or about December 14, 2022, I resigned from my employment with Bespoke.

# **EXHIBIT 1**

2:12



Lisa >



Wed, Aug 17, 10:34 AM

Happpy birthday you nigger!!!! Love  
and miss ya xoxoxo



Fri, Sep 2, 11:48 AM

U working

I have been working 7 days a week  
since May. Not a single day off so  
YES! What's cooking?

So black

lol jk I just passed your store

I miss you

VERY!!!

You have crazy plans this weekend

Unfortunately 🙄🙄

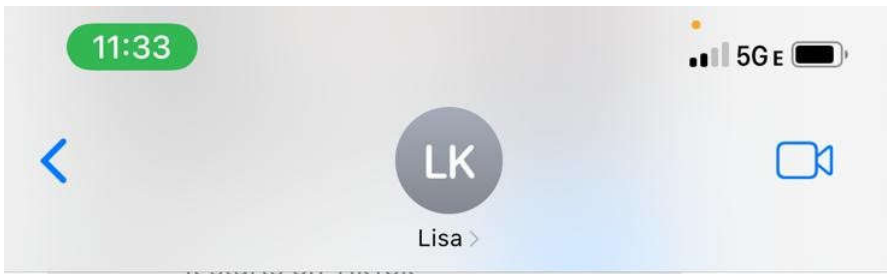
I hope I die in the process just so I  
can sleep



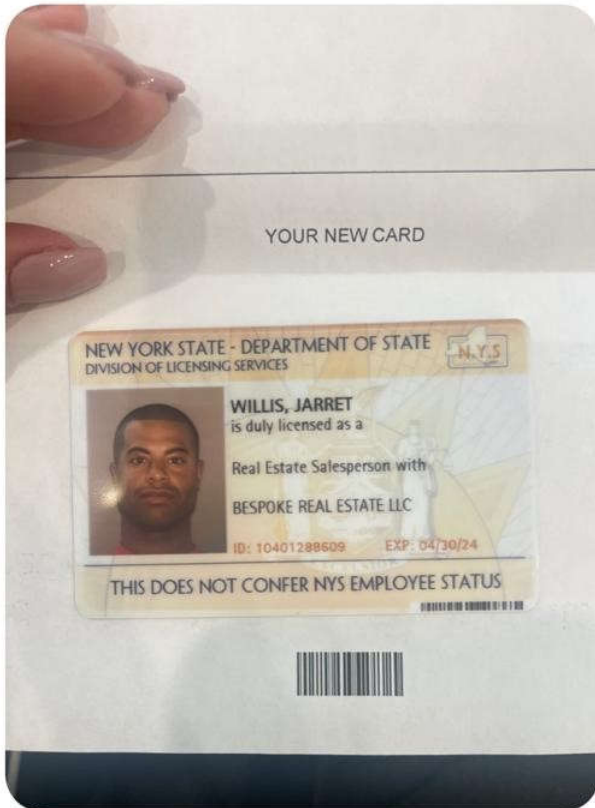
iMessage



# **EXHIBIT 2**



Today 9:43 AM



The orange shirt really makes you look like an inmate

Kinda scared

Lmao so Niggerish

I have ur card here

Want me to mail or you'll pick up?

