

STATE DIVISION OF HUMAN RIGHTS
STATE OF NEW YORK EXECUTIVE DEPARTMENT

STATE DIVISION OF HUMAN RIGHTS
on the Complaint of

Samantha Romanger,

Complainant

VERIFIED COMPLAINT
Pursuant to Executive

v.

Beach and Surf Medical and
Dr. Edward Kleiner as Aider
and Abettor

Respondents

Samantha Romanger, residing at the above named respondent, whose address is 1013 West Beech St., Long Beach, NY 11561 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of gender, sexual harassment and retaliation.

The most recent date of discrimination is October 26, 2010.

The particulars are:

1. In or around February 2009, Samantha Romanger ("Samantha"), then 19 years old, began working for Beach and Surf Medical ("Beach and Surf") as an administrative assistant. Samantha worked directly for Dr. Edward Kleiner ("Kleiner"), the only doctor in the practice. Since the commencement of her position, Samantha, along with the two other administrative employees in the office, Lauren Schlanger ("Schlanger") and Shivon Super ("Super") was sexually harassed by Kleiner.
2. Throughout Samantha's tenure with Beach and Surf, Kleiner often grabbed her behind and told her that she should marry him and live with him, and that she would not be able to have sex with her boyfriend then. This was often witnessed by both Schlanger and Super.
3. Samantha often witnessed Kleiner perform inappropriate and fraudulent acts. For example, he would charge patients on suboxone (used for opiate dependence) \$400 for their first visit and \$200 for every visit thereafter, instead of charging their insurance companies. Kleiner also often made patients pay out of pocket in addition to charging their insurance.

4. Beginning in or around Winter of 2009, Kleiner discussed with Samantha and Schlanger how much he loved anal sex and described his past sexual relationships.
5. In or around March 2009, Kleiner forced Samantha to let him do an EKG on her while they were alone in an exam room because he thought she was unhealthy.
6. In or around Spring 2009, Kleiner told Samantha that she had a distinct smell, smelled like sex and that he could smell her "a mile away."
7. In or around Fall 2009, Kleiner cornered Samantha in an exam room and tried to kiss her. Samantha refused his advances.
8. Throughout her tenure, Samantha witnessed Kleiner ask patients how many pills they wanted instead of making that determination himself.
9. Kleiner frequently asked Samantha who she has sex with and tried to elicit details regarding her sexual experiences.
10. Kleiner often told Samantha that he got marijuana from patients and frequently asked her to smoke it with him.
11. In or around December 2010, Samantha and Schlanger witnessed Kleiner smoking marijuana in his car while parked in the parking lot of a restaurant.
12. Kleiner often forced Samantha to write prescriptions for narcotics for patients while he was away on vacation. Kleiner would pre-sign the prescription papers and then threaten Samantha that she would be terminated if she did not fill them out.
13. In or around September 2010, Kleiner told Samantha that he was taking Flomax and testosterone to increase the size and girth of his penis.
14. In October 2010, Kleiner asked Samantha if Super was going to have an abortion. He would also tell Samantha that Super's breasts got so big.
15. Throughout Samantha's tenure, Kleiner would always comment on whether she lost or gained weight, stating that he could see a difference in her "butt."
16. In or around October 2010, Kleiner told Samantha that she had to go out to dinner with him if she wanted to get a birthday present. Samantha refused to go out with him.
17. On October 26, 2010 and October 27, 2010, Kleiner terminated Samantha, Schlanger and Super for refusing to participate in an inappropriate and possibly illegal act. Specifically, a couple came into the office and Kleiner agreed to artificially inseminate the woman.

Notably, Kleiner is not a specialist in fertility and, upon information and belief, is not qualified to perform such a procedure. Kleiner instructed the couple to go into the office's only bathroom and have sex in order to obtain the man's semen. Samantha and Schlanger were forced to endure hearing the couple have sex, as the sounds traveled through the small office. After the couple finished having sex, Kleiner instructed Samantha and Schlanger to be in the exam room with them for the insemination. The girls refused as they believed that Kleiner's action, without being certified as a fertility specialist and without having done any prior fertility tests, constituted malpractice. In addition, the women were administrative employees and not health care workers. As a result of the women's refusal to participate in malpractice and continual denials of his sexual advances, Kleiner terminated Samantha and Schlanger in retaliation for their refusals. Super was terminated the next day when the doctor told her if she did not support him she could no longer work there.

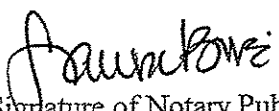
Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of gender, sexual harassment and retaliation in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I have not commenced 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.

Samantha, being duly sworn, deposes and says: that she is the complainant herein; that she has read (or had read to her) the foregoing complaint and knows the content thereof; that the same is true of her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, she believes the same to be true.


Samantha Romanger

Subscribed and sworn to
before me this ~~11th~~^{10th}
of ~~DECEMBER~~^{NOVEMBER}, 2010


Signature of Notary Public

