



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
CIVIL RIGHTS BUREAU

March 25, 2020

VIA EMAIL

John Jardine
President
Johnstons Toyota
5021 Route 17M
Box 460
New Hampton, NY 10958
(845) 374-8600

Re: CEASE AND DESIST NOTIFICATION

Dear Mr. Jardine:

The New York State Office of the Attorney General (“OAG”) was recently made aware of an incident of alleged discrimination against a member of the Jewish community by one or more employees of Johnstons Toyota (“JT”).

We understand that on or about the morning of March 23, 2020, employees operating the vehicle service center of JT denied service to a man wearing a yarmulke who was also dressed in traditional Hasidic Jewish apparel and appearance (the “Complainant”). Although the Complainant timely arrived at an appointment window he had previously scheduled, employees of JT allegedly told him that the service center was closed when he pulled into the service center. The employees then asked him to pull out of the service center and leave the premises. Despite advising the Complainant that the service center was closed, employees allegedly continued serving other patrons that morning. The Complainant asked to speak to a manager, but was allegedly never provided a response. Several videos substantially supporting these allegations have been shared widely on social media this week. A social media post by the JT Facebook account subsequently included statements that appeared to confirm that JT’s denial of service was based on stereotypes and/or generalizations about the health status of members of certain religious communities.

New York Human Rights Law § 296(2)(a) prohibits discrimination on the basis of race, creed, national origin, and other protected statuses by places of public accommodation, including “retail stores and establishments dealing with goods or services of any kind.” *See* N.Y. Hum. R.

L. 292(9). The OAG is authorized to take action to investigate and remediate alleged violations of this law. N.Y. Hum. R. L. § 297 (1).

Accordingly, you are hereby advised to immediately cease and desist from any further discriminatory activities such as those described in this letter, and to direct all employees regarding your policies and efforts to comply with the nondiscrimination requirements of the New York Human Rights Law and all other applicable state and federal nondiscrimination laws. While we understand that all businesses must take precautions during this time to protect the health and safety of their workers and the customers they serve,¹ such precautions do not include denying services to members of the public on the basis of unwarranted stereotypes or generalizations due to their affiliation with a particular religious community.

Within the next **five business days**, please contact the undersigned to confirm that JT has so complied. Your failure to comply with this directive may result in further action by this office.

Sincerely,

Jessica Clarke, Bureau Chief
Travis England, Assistant Attorney General
Civil Rights Bureau
State of New York
Office of the Attorney General
Jessica.Clarke@ag.ny.gov | (212) 416-8252
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¹ For further information on increasing health and safety measures for workers and the public during this crisis, the NYS Department of Health has published guidance for businesses available at: https://coronavirus.health.ny.gov/system/files/documents/2020/03/cleaning_guidance_general_building.pdf.