THE PRINCE GEORGE'S COUNTY
HUMAN RELATIONS COMMISSION

IN RE: CONTRERAS, Glendi	
Complainant,	
By	
EXECUTIVE DIRECTOR	
v.	
SANKARA KOTHAKOTA, MD, P.A.,	
Respondent.	

HRC Case No.: HRC-15-0607
EEOC Case No.: N/A

THE OPINION AND ORDER
OF
THE PRINCE GEORGE'S COUNTY
HUMAN RELATIONS COMMISSION

Under the authority of Article 12 of the Code of Public Local Laws of Maryland, Prince George's County § 2-185 et seq. (2011 Edition, as amended), the Prince George's County Human Relations Commission ("Commission") issues a determination on the merits of a complaint of illegal retaliation filed by the Complainant, Glendi Contreras ("Ms. Contreras" or "Complainant"). As outlined in detail below, we decide that Ms. Contreras' Charge of Discrimination (Retaliation) does not have merit and must be dismissed.

The Respondent is Sankara Kothakota, MD P.A. ("Dr. Kothakota" or "Respondent"), an orthopedic surgeon and solo-practitioner practicing in Prince George's County Maryland. In addition to practicing within Prince George's County, Dr. Kothakota employs more than one person for more than forty hours a year, and in doing so falls into the category of an employer as

defined by Prince George's County Code of Ordinances, Division 12 § 2-186(a)(5). Thus, the Commission has jurisdiction over this matter.

The Parties, Ms. Contreras and Dr. Kothakota, presented this matter at a public hearing before a three-member Employment Panel ("Panel") of the Commission on October 11, 2016, and October 13, 2016. The Parties also submitted post hearing briefs. Upon consideration of all of the evidence, the Commission, based upon a unanimous recommendation from the Panel, came to a unanimous decision to adopt the Panel's recommendation. The Commission found that upon consideration of the evidence presented at the hearing, including the testimony of the witnesses as discussed below, the Respondent did not retaliate against Ms. Contreras and as such, the Complainant's Charge of Discrimination is dismissed.

FINDINGS OF FACT[1]

Dr. Kothakota is an orthopedic surgeon operating a private practice in Prince George's County Maryland. (Tr. Vol. 1, 96:18-96:22). At this solo practice, Dr. Kothakota employs between two to three assistants in the office. (Tr. Vol. 1, 96: 21-96:23). These positions are both full time and part time, with the hours of each day spanning from 9:00 a.m. to 5:00 p.m. (Tr. Vol. 1, 96:21-96:25; 98:1-98:5). Dr. Kothakota, at the time of Ms. Contreras's employment, had multiple assistants, a part-time x-ray technician, and a part-time physical therapist. (Tr. Vol. 1, 97:19-97:25).

Ms. Contreras began her employment as an assistant/receptionist with Dr. Kothakota on January 31, 2013. (Tr. Vol. 1, 42:13-17). She began as a part time employee and then moved into a full-time position, working daily from 9:00 a.m. to 5:00 p.m. (Tr. Vol. 1, 98:16; 98:25; 99:1). During the period of her employment, Ms. Contreras received several salary increases. (Tr. Vol.

[1] The Parties agreed to utilize a single Hearing Exhibit Binder (Tr. Vol. 1, 6:4-14). Exhibits utilized from the binder will be cited as Hearing Ex.

1, 75:16- 75:20). Ms. Contreras's interactions with her co-workers began to decline in the summer of 2013 and on April 24, 2016, she notified Dr. Kothakota of specific negative comments made by another employee, Cynthia Johnson. (Tr. Vol. 1, 11:19-11:22). Ms. Contreras subsequently took this matter to an attorney. On or about May 5, 2016, a letter detailing her grievances was sent to Dr. Kothakota. (Tr. Vol. 1, 79:11).

Although Ms. Contreras testified that no action had been taken, Dr. Kothakota investigated the matter by interviewing other employees within the office. (Tr. Vol. 1, 101:21-103:18). One of the employees [2]corroborated Dr. Kothakota' s testimony that employees were questioned regarding Ms. Contreras's complaint. (Tr. Vol. 2, 21:5-21:24). However, during the term of Ms. Contreras's employment and her ensuing complaint of discrimination, no written disciplinary policy was in effect. (Tr. Vol. 1, 76:1).

Prior to the letter from Ms. Contreras's attorney, Dr. Kothakota sent his office assistants an email on May 4, 2015 expressing concern over their collective tardiness to work. (Tr. Vol. 1, 79:24- 79:25; 80:1-80:5). Ms. Contreras testified that she was not tardy to work, and often ran errands for Dr. Kothakota before coming into the office. (Tr. Vol. 1, 61:16-62:22). However, Dr. Kothakota and other employees at his practice testified that she often came in late and left early. (Tr. Vol. 1, 79:15- 79:23; Tr. Vol. 2, 12:5-12:18). Dr. Kothakota testified that Ms. Contreras's workplace tardiness worsened after her complaint concerning Ms. Johnson, (Tr. Vol. 1, 90:25-91:23) culminating in absenteeism on two occasions, June 1, 2015 and June 5, 2015. (Tr. Vol. 1, 94:13- 94:16). Even though Dr. Kothakota' s office had no written policy concerning attendance or absences, he communicated to all staff that all tardiness and absences were to be communicated to him with a phone call or email. (Tr. Vol. 1, 76:1; 43:11-15). To record time

[2] Clivia Pome Ngombe, an x-ray technologist.

and attendance for office staff, Dr. Kothakota used a sign-in sheet; Dr. Kothakota kept no other record of Ms. Contreras's failure to work her full shifts and often disagreed with her record of her own hours. (Tr. Vol. 1, 106:22-107:1; Tr. Vol. 2, 24:17- 25:25). On June 8, 2015, Dr. Kothakota sent an email to Ms. Contreras stating that she was "combative and not compromising" and that he tried his best to keep her, but it "did not work." Dr. Kothakota further requested that she hand over her office keys. (Hearing Ex. B-6). Ms. Contreras considered the June 8, 2015 email to be a termination of her employment with the office. (Tr. Vol. 1, 82:12-83:18; 52:15- 52:23).

On June 17, 2015, Ms. Contreras filed a Charge of Discrimination with the Commission claiming that she had been discharged due to her sex and national origin and also in retaliation for making a discrimination complaint. (Hearing Ex. B-4). On February 23, 2016, the Commission issued a Determination, which stated that there was not sufficient evidence to support Ms. Contreras's allegations of termination due to sex or national origin. However, the Commission concluded that there was sufficient evidence to proceed on her claim of retaliation. (Hearing Ex. E-4). On April 13, 2016, conciliation pursuant to §2-203 of the Prince George's County Code of Ordinances was unsuccessful. (Hearing Ex. E-6). As a result, hearings on this matter convened on October 11, 2016 and October 13, 2016 and transcripts were taken of the witnesses' testimony.[3] (Tr. Vol. 1, title page; Tr. Vol. 2 title page).

During the first day of the hearing, the Respondent objected to the Complainant calling the Commissioner's investigator as a witness on the grounds that his name was not included in the Complainant's pretrial statement of witnesses. (Tr. Vol. 1, 16:1-16:4). The Commission took

[3] The second page of each volume of transcripts erroneously states that Kim Kendrick, Esq. represented the complainant. Kim Kendrick is a lawyer with the law firm of Leftwich LLC, which serves as advisory legal counsel to the Prince George's County Human Relations Commissioners.

this objection under advisement and allowed the investigator to testify and be cross-examined by Respondent. (Tr. Vol. 1, 15:2-16:21).

LEGAL FRAMEWORK

1. Objection to Non-Disclosed Witness Providing Testimony

As a preliminary matter, during the first day of the hearing, Complainant called a witness to testify who had not previously been disclosed to Respondent. (Tr. Vol. 1, 14:25; 15:1). Respondent objected to the non-disclosed witness testifying during the hearing. Generally, a party may not have a non-disclosed[4] witness testify at trial unless the failure was substantially justified or is harmless. *Westmoreland v. Prince George's County,* 876 F. Supp. 2d 594, 602 (D. MD. 2011) (citing *S. States Rack & Fixture, Inc. v. Sherwin-Williams Co.,* 318 F.3d 592, 596-97 (4th Cir. 2003)).

Maryland courts apply a five-factor balancing test to determine whether the failure to disclose the witness was substantially justified or harmless. *Id.* (quoting *S. States Rack & Fixture, Inc.*, 318 F.3d at 596-97). The factors are "(1) the surprise to the party against whom the evidence would be offered; (2) the ability of the party to cure the surprise; (3) the extent to which allowing the evidence would disrupt trial; (4) the importance of the evidence; and (5) the nondisclosing party's explanation for its failure to disclose the evidence."[5] *Id.* Four of these factors related to harmlessness and the fifth factor – an explanation for the nondisclosure – parallels the substantial justification exception. *Id.* There is no question that the courts enjoy

[4] Disclosure of a witness entails providing contact and other basic information about that witness: "a party must provide to the other parties and promptly file the following information about the evidence … the name and, if not previously provided, the address and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises…" *See* Federal Rule of Civil Procedure 26(a)(3).

[5] The Commission acknowledges precedent from the Maryland Court of Appeals delineating a similar five-factor test for exclusion of evidence that violates the rules of discovery. *See Taliaferro v. State*, 295 Md. 376 (1983). However, *Westmoreland* is directly analogous to the facts of this case and the Commission finds this precedent persuasive. *See Haas v. Lockheed Martin Corp.*, 396 Md. 496, 504 (2007) (holding that an administrative agency may consider federal precedent similar to potentially applicable state and local laws).

"'broad discretion'" in applying these factors. *Id.* Similarly, the Commission retains broad discretion in determining relevancy and introduction of evidence. Commission Rules of Procedure, Rule 9(a).

2. Retaliation

Under federal law and Prince George's County Code of Ordinances, employers are prohibited from retaliating against employees for engaging in protected activities. Section 2-209 of the County Code of Ordinances states that "[n]o person shall retaliate, or cause or coerce, or attempt to cause or coerce, any other person to retaliate against any person because such person has lawfully opposed any act or failure to act that is a violation of this Act or has, in good faith, filed a complaint, testified, participated, or assisted in any way in any proceeding under this act." The Civil Rights Act of 1964 also prohibits an employer from adverse action against an employee if that employee has "...opposed any practice made unlawful by this subchapter, or because he has made a charge, testified assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter." 42 U.S.C. §2000e-3(a).

When evaluating unlawful retaliation, Maryland courts and administrative agencies apply the *McDonnell Douglas* scheme of proof. *Hartman v. Univ. of Md. at Balt.*, 595 Fed. Appx. 179, 181 (4th Cir. 2014); *Burns*, 96 F.3d at 731; *Avant*, Civ. No. GJH-13-02989 *10-11; *Taylor*, 423 Md. at 659-60; *Edgewood Mgmt. Corp. v. Jackson*, 212 Md. App. 177, 199 (Md. Ct. Spec. App. 2013); *see also Haas*, 396 Md. at 504 ("Considering the mimicry of state and local laws to Title VII, it is appropriate to consider federal precedents when interpreting state and local laws"). The *McDonnell Douglas* scheme has a three-part burden shifting analysis. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973). First, the complainant must establish a *prima facie* case by preponderance of the evidence. *Id.* Second, once the *prima facie* case is established, the

complainant has created a rebuttable presumption that the employer has unlawfully retaliated against him/her and the employer has the burden of showing that it had a legitimate non-discriminatory reason for its action. *Id.* at 802-803. Third, if the employer is able to meet its burden, the complainant must then show the employer's non-discriminatory reason is pretext, and there was no justifiable reason for his/her discharge. *Id.*

A plaintiff establishes a prima facie case by satisfying three factors. *Lockheed Martin Corp. v. Balderrama,* 227 Md. App. 476, 504- 505, *cert. denied sub nom. Balderrama v. Lockheed Martin,* 448 Md. 724, 141 A.3d 135 (2016). First, the complainant must prove she was engaged in a protected activity. *Id.* Second, she must prove her employer took adverse action against her. *Id.* Third, she must prove that her employer's adverse action was causally connected to the protected activity. *Id.* If the employee meets this burden of production, the burden shifts to the defendant employer to offer a non-retaliatory reason for the adverse employment action and follows the *McDonnell Douglas* three-part burden shifting framework. *Id.,* at 504.

When proving the causal relationship between the retaliatory action and the protected action, the Complainant may take two evidentiary paths; the first being a showing of causation through "sufficient temporal proximity" and the second being through "evidence other than, or in addition to temporal proximity." *Westmoreland*, 876 F. Supp. 2d at 613 (citing *Clark County School District v. Breeden,* 523 U.S. 268, 273-74 (2001); *Jenkins v. Gaylord Entertainment Co.*, 849 F. Supp. 2d 873 (D. Md. Jan. 3 2012)). More specifically, the case law cited above holds that a three-month separation between the protected action and the retaliatory one does not, by itself, establish a causal connection. *Id.* ("... just over three months after Westmoreland engaged in protected activity. This proximity, in and of itself, is likely insufficient to satisfy the causation element of the prima facie case."). However, a month and a half has been considered sufficient

"very close" temporal proximity. *See Clark County School District v. Breeden,* 523 U.S. 268, 273-74 (2001) (citing *O'Neal v. Ferguson Construction Co.,* 237 F.3d 1248, 1253 (10th Cir. 2001) ("Unless there is very close temporal proximity between the protected activity and the retaliatory conduct, the plaintiff must offer additional evidence to establish causation. We have held that a one and one-half month period between protected activity and adverse action may, by itself, establish causation.") (internal citation omitted)).

CONCLUSIONS OF LAW

1. Non-Disclosure of Investigator Langston Clay's Testimony

Complainant called Commission Investigator Langston Clay to testify at the hearing in this matter. The Respondent immediately objected to Investigator Clay's testimony on the grounds that his name was not included on the Complainant's pretrial statement of witnesses. (Tr. Vol. 1, 15:2-6; 15:19-25; 16:1-4). Additionally, Respondent argued that he "was grossly prejudiced by witnesses being called who are not on any prior witness list." (Tr. Vol. 1, 16:2-4). The objection was held in abeyance and the Panel that heard the matter allowed the undisclosed witness to testify, pending its assessment of the objection. The Commission finds that the Executive Director provided no reasonable justification for the Complainant to exclude the investigator's name from her witness list. Regardless, the Commission finds that Investigator Clay's testimony was not harmful to Respondent's case as Respondent's counsel received a copy of the Commission's Determination in advance of the hearing, which included Investigator Clay's conclusions and findings. Additionally, Respondent's counsel was able to cross-examine Investigator Clay on his conclusions and findings.

As referenced above, when a party attempts to introduce a non-disclosed witness at a hearing, the presiding tribunal applies a five-factor balancing test to determine whether the appearance of the non-disclosed witness must be stricken. *Westmoreland*, 876 F. Supp. 2d. at 602. The first factor is surprise to the party against whom the witness is testifying. *Id.* The Commission determined that this witness did indeed surprise the Respondent. The second factor focuses on the ability of the opposing party to cure the surprise. *Id.* The Respondent adequately cured the surprise and managed to conduct a thorough cross-examination of the witness. (Tr. Vol. 1, 17:8-41:12). Additionally, the Respondent could have sought additional curative measures by requesting leave to recall Investigator Clay during the second day of the hearing; Respondent did not make this request.

The third factor considers the disruption to the trial if the testimony is allowed. *Id.* Regarding this factor, the Commission was concerned that the delay to the proceeding to provide Respondent additional time to prepare for Investigator Clay's testimony was unjustified in light of the limited nature of Investigator Clay's testimony as outlined by Complainant. (Tr. Vol. 1, 15:7-18). Additionally, the Respondent did not object to the Complainant's counsel's representation that Respondent had a previously produced copy of the Letter of Determination to which Investigator Clay's testimony would be confined. (Tr. Vol. 1, 15:13-18). Thus, the Commission found that Investigator Clay's testimony would not disrupt the hearing.

The Commission gives significant weight to the fourth factor, the importance of the proffered testimony. (Tr. Vol. 1, 17:5-17:9). In advance of the hearing, the Commission and the attorneys present all had copies of the Letter of Determination, dated February 23, 2016, that summarized Investigator Clay's findings. (Respondent Ex. 4). Because Investigator Clay was responsible and had personal knowledge of the investigations into the merits of Complainant's

allegations, the Commission considers Investigator Clay's testimony to be of importance in making a ruling in the case. (Tr. Vol. 1, 16:5-9). The fifth factor did not affect the Commission's decision as it focuses on the party's explanation for not listing the witness on its pre-trial statement. *Id.* The Commission finds it disconcerting that the Complainant's counsel acknowledged that Investigator Clay drafted the Letter of Determination, which she planned to use as an exhibit at the hearing, yet provided no explanation for her failure to list Investigator Clay as a witness.[6] Notwithstanding this failure, the balance of all factors weighs in favor of inclusion of Investigator Clay's testimony, especially in light of the fact that Respondent had a copy of the Letter of Determination in advance of the hearing and Respondent's opportunity to cross-examine Investigator Clay. Therefore, the Commission will not strike Investigator Clay's testimony from the record.

2. **Retaliation Claim**

a. ***Was the Complainant Engaged In a Protected Activity?***

In order to establish a prima facie case for retaliation, the Complainant must have engaged in a protected activity. *Lockheed Martin,* 227 Md. App. 504-505. Protected activities include filing a complaint in good faith, testifying, participating, and assisting a proceeding in accordance with Prince George's County Code of Ordinances § 2-209. It is undisputed that Ms. Contreras engaged in a protected activity when she filed a complaint against her co-worker for discrimination on June 17, 2015. (Complainant Ex. 2; Respondent Ex. 1).

b. ***Did Complainant Suffer Retaliation?***

Retaliation is defined broadly as "[a]n adverse employment action … that adversely affects the terms, conditions, or benefits of a plaintiff's employment." *Holland v. Washington*

[6] The Commission is likewise disturbed by Complainant's counsel's failure to offer an apology to the Commission or to the Respondent for her omission and by the counsel's cavalier attitude toward her failure to timely disclose the investigator's name as a witness.

Homes, Inc., 487 F.3d 208, 219 (4th Cir. 2007). In this case, it is undisputed that the employee, Ms. Contreras, suffered an adverse employment action when she was terminated on June 8, 2015. (Hearing Ex. 12). Ms. Contreras was adversely affected by this termination and therefore satisfied the second element of establishing her prima facie case.

c. ***Was the Adverse Action Causally Connected to the Protected Activity?***

The final element that Ms. Contreras must prove is that there was a causal connection between her protected action and the adverse employment action. *Lockheed Martin,* 227 Md. App. 504-505. As discussed above, a claimant has two methods of demonstrating causation; the first is "sufficient temporal proximity" and the second is "evidence other than, or in addition to temporal proximity." *Westmoreland*, 876 F. Supp. 2d 613. Ms. Contreras pursued her complaint against her coworker on May 5, 2015 and was terminated on June 8, 2015, about one month later. (Hearing Ex. 10; Complainant Ex. 2). She did not present additional evidence other than the temporal proximity of her termination and her complaint.[7]

The Commission determines that Ms. Contreras has satisfied the temporal proximity evidentiary requirement. One month, a relatively short period of time, has been determined to be well within an acceptable amount of time to find that there was a causal link. *See Clark County*, 523 U.S. 273-74; *O'Neal*, 237 F.3d 1253; *Anderson*, 181 F.3d 1179. The period demonstrating a causal link has been held to be as long as a month and a half. *Anderson*, 181 F.3d 1179. Ms. Contreras has therefore successfully established her prima facie case for retaliation. *Lockheed Martin,* 227 Md. App. 504-505. The burden of proof now shifts to Dr. Kothakota to demonstrate that there was a legitimate reason for Ms. Contreras' discharge. *McDonald*, 411 U.S. 802.

[7] Ms. Contreras did present the email that signified her termination. She testified that the phrase it contained from Dr. Kothakota specifically, "now you are accusing me," referenced her complaint. (Tr. Vol. I 53:4-53:15). However, the Commission also received testimony from Dr. Kothakota stating that he was referring to her accusations that he knew why she had not come to work on June 1and 5 of 2015. (Tr. Vol. 2 94:13-94:16). Based on the demeanor of the witnesses, the Commission finds that Dr. Kothakota' s testimony to more credible on this topic.

d. ***Was the Respondent's Non-Discriminatory Reason Mere Pretext?***

Once the Complainant has established her prima facie case for retaliation, the burden shifts to the Respondent-employer to show a legitimate reason for the adverse employment action. *McDonald*, 411 U.S. 802. Dr. Kothakota presented evidence of Ms. Contreras's attendance at work to prove that his decision to terminate her employment stemmed from her unexplained absences immediately prior to her termination. (Tr. Vol. 1, 90:25-91:23; 94:13-94:16). On June 1, 2015 and June 5, 2015, Ms. Contreras failed to appear for work without notifying Dr. Kothakota in any manner. (Tr. Vol. 1, 94:13- 94:16). Other employees working at the office corroborated Dr. Kothakota' s testimony and confirmed Ms. Contreras's history of absenteeism and tardiness. (Tr. Vol. 2, 12:5-12:18). The email Dr. Kothakota sent to Ms. Contreras on June 8, 2015 that terminated her employment immediately followed the two unexplained absences, not the filing of her complaint. (Hearing Ex. 12; Complainant Ex. 2).

The Commission credits Dr. Kothakota's testimony explaining his actions immediately following Ms. Contreras' unexplained absences. Accordingly, the Commission finds that the evidence demonstrates that Respondent was lawfully reacting to Complainant's absences and her general tardiness, not her discrimination complaint.[8] This finding is further supported by credible testimony from individuals who have been employed by Dr. Kothakota.

Clivia Pome Ngombe, an x-ray technologist, credibly testified that she worked with Dr. Kothakota for three years and during that period she observed and heard conversations between Dr. Kothakota and the Complainant concerning Complainant's time and attendance at work. (Tr. Vol. 2, 12:23-25; 13:1-8). Ms. Ngombe confirmed Dr. Kothakota's testimony that during one

[8] In explaining whether he would have kept Complainant working, Dr. Kothakota credibly explained, "I kept her on all this time, but when it came to a point it was affecting my patients and my patient care...I have to, then I have to let her go...If she continued to work and came on time, I would have, she would have never been fired." Tr. Vol. 1, 111:15-111:22.

period, Ms. Contreras failed to report to work for seven or eight days without calling the office. (Tr. Vol. 2,14:1-4). Ms. Ngombe also testified that when Dr. Kothakota tried to discuss time and attendance issues with the Complainant, she was disrespectful to Dr. Kothakota. (Tr. Vol. 2, 13:9-18; 16:11-25; 17:3-10). Ms. Ngombe also confirmed that Dr. Kothakota did not have written policies about time and attendance, but he asked the staff to always call in to inform him if someone is running late. Further, Dr. Kothakota personally informed his employees that if any staff is more than 15 minutes late, Dr. Kothakota would deduct time from the employee. (Tr. Vol. 2, 50:13-20). Consistent with Dr. Kothakota' s testimony, Ms. Ngombe testified that Complainant's attendance and respect for her employer further deteriorated after Complainant notified Dr. Kothakota about a co-worker's actions. (Tr. Vol. 2, 32:20-22).

Brenyce Sweeney, another employee who began working for Dr. Kothakota during April 2015, testified that Ms. Contreras came to work consistently closer to 10:00 a.m. instead of the office's 9:00 a.m. start time. (Tr. Vol. 2,55:25; 56:118). Ms. Sweeney also testified that she told the Commission's investigator that between April 2015 and June 2015, Ms. Contreras was late "almost every day." (Tr. Vol. 2, 56:16-25). While Complainant's counsel seemed to suggest that Ms. Contreras was late because she was running errands for Dr. Kothakota, the record does not contain sufficient evidence to verify that claim. For example, there is no testimony from Dr. Kothakota that Ms. Contreras was running such errands and various witness testimony suggests that the doctor would not have had discussions about Ms. Contreras' tardiness and absences if she were running errands for her employer.

It is evident from Dr. Kothakota' s testimony, corroborated by the testimony of Ms. Ngombe, that Dr. Kothakota simply wanted Ms. Contreras to come to work every day and to come on time so that he could run an efficient practice. Ms. Contreras was unable to do so. As a

result, Dr. Kothakota terminated Ms. Contreras's employment for legitimate business reasons and therefore her termination does not constitute retaliation.

CONCLUSION

Pursuant to the authority conferred on this Commission by Section 2-195, Division 12, Prince George's County Code, 1991, as amended, for the reasons stated above, the Commission issues this Opinion and ruling and finds that the Respondent, Dr. Sankara Kothakota, did not unlawfully retaliate against the Complainant, Glendi Contreras. Accordingly, the Charge of Discrimination in this matter is dismissed.

On the 27th day of March 2017, **It is so Ordered.**

Under Section 2-197-C of the Prince George's County Code, any party aggrieved by a final decision of the Commission in a contested case is entitled to file an appeal pursuant to Subtitle B of the Maryland Rules of Procedure, Annotated Code of Maryland, within (30) days from the date last entered above.

Merrill Smith, Jr., Chairperson
Prince George's County
Human Relations Commission

Employment Panel:

Eugene A. Langbehn, Commissioner, Panel Chair
Troy D. Lowe, Commissioner
Janelle Johnson, Commissioner

Copies to:

Glendi Contreras
1039 Phair Place

Laurel, Maryland 20707
Complainant

Sankara Kothakata, MD, P.A.
5632 Annapolis Road, Suite 1
Bladensburg, MD 20710
Respondent

T. Bruce Godfrey
Jezie and Moyse, LLC
2730 University Boulevard West
Suite 604
Wheaton, MD 20902-1975
Counsel for Complainant

Jay P. Holland
Vijay Mani
Joseph Greenwald & Laake, PA
6404 Ivy Lane, Suite 400
Greenbelt, MD 20770
Counsel for the Respondent

Jared McCarthy, Esquire
Acting County Attorney
14741 Governor Oden Bowie Dr.,
Suite 5121
Upper Marlboro, Maryland 20772
Prince George's County Office of Law

D. Michael Lyles
Executive Director
14741 Governor Oden Bowie Dr.,
Suite L105
Upper Marlboro, Maryland 20772
Prince George's County
Human Relations Commission