The Commonwealth of Massachusetts Commission Against Discrimination 436 Dwight Street, Rm. 220, Springfield, MA 01103 Phone: (413) 739-2145 Fax: (413) 784-1056

MCAD DOCKET NUMBER: 12WEM02852 FILING DATE: 10/26/12	EEOC/HUD CHARGE NUMBER: 16C-2013-00184 VIOLATION DATE: 08/22/12
Name of Aggrieved Person or Organization:	
Luann Tomaso	
10 Lanson Road Milford, MA 01757	,
Primary Phone: (508)473-2988 ext.	
	ent agency, or state/local government agency who discriminated again
me:	- Sample of the second of the
Town of Milford-Milford Police Department	Chief Scott Rohmer
Human Resources/Legal Department	Ashland Police Department
135 Main Street	135 Main Street
Ashland, MA 01721	Ashland, MA 01721
Primary Phone: (508)881-1212 ext	Primary Phone: (508)881-1212 ext
Sgt. Edward Pomponio	
Ashland Police Department	·
135 Main Street	
Ashland, MA 01721	
Primary Phone: (508)881-1212 ext	
No. of Employees: 25+	
Work Location: Ashland, MA	
Cause of Discrimination based on: Sex (Female) and Sexual Harassment.	•
The particulars are:	
I, Luann Tomaso, the Complainant, believe the Town	of Milford-Milford Police Department, Sgt. Edward Pomponio, Chie f Gender and Sexual Harassment. This is in violation of M.G.L. 151E
See Attached for Particulars.	
I hereby verify, under the pains and penalties of perjurare true to the best of my knowledge.	y that I have read this complaint and the allegations contained herein
	(Signature of Complainant)

COMMONWEALTH OF MA COMMISSION AGAINST D	ASSACHUSETTS ISCRIMINATION
LUANN TOMASO Complainant	SSACHUSETTS ISCRIMINATION OCT 26 2012
V	
TOWN OF ASHLAND, CHIEF SCOTT ROHMER, in his Individual and Official Capacities, EDWARD POMPONIO, in his Individual and Official Capacities,))))
Respondents)

INTRODUCTION

In this action the plaintiff Luann Tomaso ("Plaintiff" or "Tomaso") seeks redress for substantial violations of her rights under the Massachusetts anti-discrimination laws, M.G.L. c. 151B. At the time of the events at issue in this Complaint, Tomaso, a female, was employed by the Defendants in the position of Patrol Officer with the Ashland Town Police Department. The Plaintiff alleges that she was discriminated against on the basis of her gender, subjected to disparate treatment based on gender, subjected to sexual harassment and an abusive and sexually hostile work environment, and retaliated against for reporting unlawful workplace conditions.

PARTIES

- 1. The Plaintiff, Luann Tomaso, is an individual residing in Milford, Worcester County, Commonwealth of Massachusetts.
- The Defendant, Town of Ashland, is municipality located in Middlesex County, Commonwealth of Massachusetts.

- The Defendant, Scott Rohmer, is employed as Chief of Police of the Ashland
 Police Department, with a place of business located in Middlesex County,
 Commonwealth of Massachusetts.
- 4. The Defendant, Edward Pomponio, is employed as a police officer in the Ashland Police Department, with a place of business located in Middlesex County, Commonwealth of Massachusetts.

FACTS

- 5. Plaintiff Luann Tomaso, has been a member of the Ashland Police

 Department since 2004. Tomaso has worked in law enforcement for over 13 years.
- 6. Tomaso is one of three females employed by the Ashland Police Department as police officers.
- 7. On November 27, 2011, Sgt. Robert MacQuarrie (Hereinafter "MacQuarrie") filed an internal disciplinary complaint against fellow employee Defendant Provisional Sgt. Edward Pomponio (Hereinafter "Pomponio") alleging untruthfulness.
- 8. On November 28, 2011, after Sgt. MacQuarrie filed his complaint about Pomponio's untruthfulness, Lt. Richard Briggs, another member of the Ashland Police Department, overheard Lt. David Beaudoin and defendant Rohmer discussing the complaint against defendant Pomponio. Defendant Rohmer stated to Lt. Beaudoin, "If these guys want IA's ("Internal Affairs Investigations"), they'll all get IA's."
 - 9. Defendants Rohmer and Pomponio are close personal friends.
- 10. On December 14, 2011, Sgt. MacQuarrie e-mailed Town Manager Petrin to convey his fear that he was being retaliated against for his November 27 complaint about Defendant Pomponio.

- 11. Sgt. MacQuarrie stated in said e-mail "I have reason to believe the current command staff is purposefully and deliberately delaying this investigation and is preparing to retaliate against me and additional Officers because of these reports even though I clearly state in the report that I am seeking protection under the 'Massachusetts Whistleblower Act."
- 12. On or about January, 2012, defendant Pomponio confronted plaintiff Officer Luann Tomaso and attempted to coerce her into filing a false sexual harassment claim against Ashland Police Officer, Sergeant Robert MacQuarrie.
- 13. Defendant Pomponio confronted Tomaso on at least ten (10) occasions and attempted to coerce her into filing a false sexual harassment claim.
- Upon information and belief, Sgt. Pomponio was retaliating against Sgt.
 MacQuarrie for filing a complaint against him regarding Pomponio's untruthfulness.
- 15. On January 6, 2012, Sgt. MacQuarrie e-mailed Town Manager Petrin. Sgt. MacQaurrie's e-mail stated the following; "I was recently informed that Ed. Pomponio approached Tomaso and asked her if she has been harassed at work. I was informed that Pomponio then stated that she could make some quick money be suing the town if she had been harassed. The information I have is that Chief Rohmer is already aware of this conversation and has done nothing and is possibly involved." (Exhibit 1)
- 16. Upon information and belief, defendant Rohmer conspired with defendant Pomponio to coerce plaintiff Tomaso to file false sexual harassment complaints against MacQuarrie and others.
- 17. After speaking with Tomaso defendant Pomponio brought certain information to defendant Rohmer, despite Tomaso's objection. Defendant Rohmer and Sgt. Pomponio

then put Tomaso under extreme emotional pressure to file complaints against MacQuarrie and others.

- 18. On January 12, 2012, defendant Rohmer called Tomaso into his office.
- 19. Defendant Rohmer spoke with plaintiff for approximately thirty (30) minutes and urged Tomaso to file a sexual harassment complaint against MacQuarric and others. Tomaso responded by saying that she did not want to file a complaint and that she had not been harassed.
- 20. Rohmer stated "these guys (fellow officers) keep coming to me complaining about you (Tomaso)."
- 21. Rohmer continued by stating to Tomaso that "there are rumors going around the department saying you (Tomaso) are not doing a good job."
- 22. Rohmer also told Tomaso that there were "other rumors of inappropriate behavior that I can not verify."
- 23. Rohmer insisted that Tomaso had a "classic case" of harassment and that he would "walk you (Tomaso) through it."
- 24. Rohmer continued by saying "These guys aren't your friends. They don't care about you."
- 25. The Chief ordered Tomaso to file a complaint of harassment against her wishes.
 - 26. Tomaso was hysterically crying when she left the Chief's office.
- 27. On January 12, 2012, the same day Rohmer ordered Tomaso to file a sexual harassment complaint and told her there were "rumors of inappropriate behavior" on

Plaintiff's part, Plaintiff was involved in a severe motor vehicle accident after leaving the Ashland Police Department. (Exhibit 2)

- 28. Plaintiff sustained significant injuries to her arm as a result of this accident.
- 29. Chief Rohmer then told several members of the department that he intended to proceed with a sexual harassment investigation even if plaintiff Tomaso or the Town Manager did not want to.
- 30. Defendant Rohmer also told several members of the department that he intended to terminate those allegedly involved.
- 31. When defendant Rohmer subsequently learned that plaintiff refused to file a complaint for the alleged harassment, defendant Rohmer stated in a conversation with Union Vice President Michael Dionne "Who is Tomaso f***ing around here?" "She has to be f***ing somebody."
- 32. Defendant Rohmer subsequently told multiple Ashland Police officers, as well as individuals outside the department, that Plaintiff was "blowing" several members of the department.
- 33. Defendant Rohmer has since made countless offensive and slanderous remarks about Plaintiff. Defendant Rohmer has stated "Tomaso is hot, but she is a little slut", "I guess Officer Tomaso's husband has a huge c*** and she loves it", "I bet Officer Tomaso loves to suck c***."
- 34. On January 18, 2012, Tomaso sent defendant Rohmer a correspondence stating the following; "You (Rohmer) and I had a conversation last week regarding a private talk I had with Ed Pomponio. As a result of the conversation you ordered me per the town lawyers to come forward with a complaint. As I told you and Ed Pomponio, I

did not ever want to file a complaint against anybody. I still do not wish to file any sort of complaint against anybody in the Ashland Police Department." (Exhibit 3)

- 35. On January 20, 2012, Rohmer responded to Tomaso's letter and once again insisted that plaintiff provide information to further his "investigation." (Exhibit 4)
- 36. Subsequently, on January 23, 2012, the Ashland Patrol Officers' Union filed a vote of no confidence against Chief Rohmer. (Exhibit 5)
- 37. Plaintiff personally signed the vote of no confidence. The vote of no confidence stated that all Ashland Police Department members who signed were seeking "protection under the Massachusetts Whistle Blower's Protection Act.
- 38. The actual vote of no confidence by the Union against Rohmer was eighteen (18) to one (1) in favor of no confidence in the Chief.
- 39. Shortly thereafter, a complaint was filed with the Ashland Town Manager regarding misconduct by defendant Rohmer by various members of the department including plaintiff Tomaso. (Exhibit 6)
- 40. On January 24, 2012, Lt. Briggs met with defendant Rohmer and Lt. Beaudoin in Rohmer's office.
- 41. At this meeting, defendant Rohmer made additional derogatory and sexually explicit remarks about plaintiff Tomaso and once again stated his opinion that he believed plaintiff was performing oral sex on various members of the department.

 Defendant Rohmer stated "That dirty bitch! She's blowing everyone around here!"
- 42. During this same meeting, defendant Rohmer also stated in the presence of Lt. Beaudoin and Lt. Briggs "Now that Fawkes and Mac(Sgt. MacQuarrie) are caught getting blow jobs from Tomaso, they go and file a vote of no confidence. F*** them!"

- 43. Subsequently, Briggs contacted Town Manager Petrin and asked him to intervene. Briggs also filed a formal complaint to the Town Manager about defendant Rohmer's comments regarding Tomaso. (Exhibit 7)
- 44. On January 25, 2012, Rohmer contacted Sgt. MacQuarrie and implied that Sgt. MacQuarrie was having an extra marital affair with Officer Tomaso.
- 45. On January 25, 2012, Tomaso was diagnosed with "acute stress disorder due to work related issues." (Exhibit 8)
- 46. Tomaso's doctor stated that she was unable to work due to the overwhelming amount of emotional stress she was dealing with at work.
- 47. On February 1, 2012, Officer Tomaso completed a written statement in response to defendant Rohmer's January 20 letter. (Exhibit 9)
- 48. Tomaso stated she believed defendant Pomponio had provided information to defendant Rohmer in an attempt to retaliate against Sgt MacQuarrie and Sgt. Fawkes. In addition, she stated that defendant Rohmer attempted to force and coerce her into filing a sexual harassment complaint.
- 49. On February 7, 2012, Lt. Briggs filed a formal written complaint with Town Manager Petrin over the actions of defendant Rohmer and the derogatory statements made by Rohmer regarding Officer Tomaso. (Exhibit 7)
- 50. On February 9, 2012, Sgt. Pomponio threatened Officer Driscoll and stated that everyone who signed the complaint against the Chief will be sued.
- 51. On or about April 4, 2012, Tomaso was ordered to speak with attorney Jody Newman regarding a hearing being conducted involving Sgt. Fawkes.

- 52. Tomaso was questioned about her relationship with MacQuarrie and Sgt. Fawkes and whether or not there had ever been any inappropriate sexual behavior. Plaintiff vehemently denied being involved in any inappropriate sexual behavior.
- 53. On May 8, 2012, Plaintiff was interviewed again by Jody Newman at the direction of Rohmer. Once again, plaintiff was asked inappropriate and irrelevant questions regarding her relationships with fellow Ashland Police Department members.
- 54. On or about August 7, 2012, defendant Rohmer's personal secretary, Maureen Carmichael, called Tomaso's residence to request the email address of Tomaso's former boyfriend. Tomaso's husband was present for the conversation.
- 55. Upon information and belief, Rohmer was attempting to intimidate, coerce and threaten Tomaso by requesting information about her former boyfriend.
- 56. On August 22, 2012, Tomaso was placed on Administrative Leave based on a pending investigation of allegations Tomaso allegedly made involving defendant Rohmer regarding child abuse. (Exhibit 10)

Count I (M.G.L. c. 151B-Sex /Gender Discrimination)

- 57. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.
- 58. The discriminatory and abusive treatment of the Plaintiff, as described herein, violates the express provisions of M.G.L. c. 151B with regard to gender.
- 59. There is direct and circumstantial evidence of bias on the part of the Defendant, including, but not limited to, the evidence set forth above.

- 60. This hostile environment and the conditions imposed upon the Plaintiff and the adverse action taken against the Plaintiff by defendants is directly to her gender and had adversely affected the terms and conditions of her employment.
- 61. The Plaintiff was severely and adversely affected by the defendants conduct and by the failure of the Defendant Town of Ashland to take reasonable steps to stop or correct this conduct.

Count II (M.G.L. c. 151B-Sexual Harassment)

- 62. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.
- 63. The Plaintiff was treated differently as to the terms and conditions of her employment based upon the sexual harassment of the Plaintiff by the Defendants.
- 64. The Plaintiff believes that she was disciplined and subject to adverse employment action based upon sexual harassment by the Defendants.
- 65. This hostile environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of her employment.
- 66. The Plaintiff was severely and adversely affected by the Defendant 's conduct and the failure of the Defendant to take reasonable steps to ensure that this discriminatory conduct and sexual harassment would not continue.

Count II (M.G.L. c. 151B-Retaliation)

- 67. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.
- 68. The Plaintiff was treated differently as to the terms and conditions of her employment based upon her reporting of sexual harassment, filing a complaint against Defendant Rohmer, and signing a vote of no confidence against Defendant Rohmer.