

Eric Sanders

From: EEOC <no-reply@service.eeoc.gov>
Sent: Monday, March 2, 2026 04:09
To: Eric Sanders Esq.; Mr. Michael Lin
Subject: Your Attorney-Submitted Charge of Discrimination Is Signed / El cargo de discriminación presentado por su abogado está firmado



**U.S. Equal Employment Opportunity Commission
New York District Office**

33 Whitehall St 5th Floor New York, NY 10004

(929) 506-5270

Website: www.eeoc.gov

03/02/2026

Mr. Michael Lin
[REDACTED]

Re: Mr. Michael Lin v. New York State Police
EEOC Charge Number: 520-2026-03828

Dear Mr. Michael Lin,

This is to acknowledge receipt of your EEOC charge of discrimination, which has been filed under the following statute(s):

Title VII of the Civil Rights Act of 1964 (Title VII).

We will contact your attorney when we need more information. A notice of the charge will be sent to the organization you filed the charge against within 10 days of today as required by our procedures. Many states, counties, cities, and towns have their own laws prohibiting discrimination and responsible for enforcing those laws. These agencies are referred to as Fair Employment Practices Agencies (FEPAs). Usually, the laws enforced by these agencies are similar to those enforced by the EEOC. If the charge is initially filed with the EEOC and the charge is also covered by state or local law, the EEOC dual files the charge with the state or local FEPA (meaning the FEPA will receive a copy of the charge), but the EEOC typically retains the charge for processing.

Please use the EEOC charge number listed at the top of this email whenever you or your attorney contact us about this charge. Please notify the EEOC's New York District Office of any change to your or your attorney's contact information or if you either of you will ever be unavailable for a long time. Failure to cooperate may lead to dismissal of the charge.

The quickest and most convenient way for your or your attorney to obtain the status of your charge and to submit documents is to use the [EEOC Public Portal](#).

Sincerely,

The Equal Opportunity Employment Commission (EEOC)

Asunto: Mr. Michael Lin v. New York State Police

Número de cargo de la EEOC: 520-2026-03828

Estimado(a) Mr. Michael Lin,

Este documento sirve para confirmar que hemos recibido su cargo de discriminación de la EEOC, que ha sido presentado bajo la(s) siguiente(s) ley(es):

Title VII of the Civil Rights Act of 1964 (Title VII).

Nos pondremos en contacto con su abogado cuando necesitemos más información. Se enviará una notificación del cargo a la organización contra la que presentó el mismo en un plazo de 10 días a partir de hoy, tal como exigen nuestros procedimientos. Muchos estados, condados, ciudades y pueblos tienen sus propias leyes que prohíben la discriminación y son responsables de hacerlas cumplir. Estas agencias se denominan Agencias de Prácticas de Empleo Justas (FEPA, por sus siglas en inglés). Normalmente, las leyes que hacen cumplir estas agencias son similares a las que hacen cumplir la EEOC. Si el cargo se presenta inicialmente ante la EEOC y también está cubierto por la legislación estatal o local, la EEOC presenta el cargo ante la FEPA estatal o local (lo que significa que la FEPA recibirá una copia del cargo), pero la EEOC suele conservar el original del cargo para procesarlo.

Utilice el número de cargo de la EEOC que aparece en la parte superior de este correo electrónico siempre que usted o su abogado se pongan en contacto con nosotros en relación con este cargo. Por favor, notifique la New York District Office de la EEOC de cualquier cambio en su información de contacto o en la de su abogado, o si alguno de los dos no va a estar disponible en algún momento durante mucho tiempo. La falta de cooperación puede dar lugar a la desestimación del cargo.

La forma más rápida y cómoda para que usted o su abogado obtengan el estado de su cargo y presenten documentos es utilizar el [Portal público de la EEOC](#).

Sincerely,

The Equal Opportunity Employment Commission (EEOC)

Cc:

Eric Sanders Esq.

The Sanders Firm, P.C.

30 Wall Street

8th Floor

New York, NY 10005

212-652-2782

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

- FEPA
- EEOC

New York State Division of Human Rights and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Agency Demographics

Publicly available sworn-personnel data show that the New York State Police remain overwhelmingly white and male in its sworn ranks. In the Division of Criminal Justice Services (DCJS) sworn-personnel census for **2024**, the New York State Police reported **5,148** sworn members, of whom **4,500** were recorded as **White** (≈ 87.4%), **285** as **Black** (≈ 5.5%), and **363** as **Other** (≈ 7.1%); DCJS also reports **4,484** sworn members recorded as **male** (≈ 87.1%) and **664** recorded as **female** (≈ 12.9%), with **Hispanic** reported separately as an **ethnicity** (**438**, ≈ 8.5%).

This composition is materially consistent with prior DCJS sworn-personnel reporting—for example, the DCJS **2020** sworn-personnel table reports **4,866** NYSP sworn members, with **4,280 White** (≈ 88.0%), **212 Black** (≈ 4.4%), and **374 Other** (≈ 7.7%), and **4,330 male** (≈ 89.0%) and **536 female** (≈ 11.0%)—reflecting persistent underrepresentation of certain racial groups within the sworn workforce even as headcount increased.

DCJS sworn-personnel data for 2024 reports NYSP race in aggregated categories (“White,” “Black,” and “Other”) and does not disaggregate Asian troopers as a separate category; accordingly, the precise percentage of Asian sworn members is not publicly quantifiable from the DCJS NYSP row alone, although Asians are necessarily a subset of the “Other” category.

Separately, public reporting on NYSP recruiting states that Asian participation among **trooper test-takers** increased from **4.16%** in **2017** to **5.97%** in **2022**, underscoring that even as the agency sought to diversify its pipeline, Asian representation within the sworn ranks remains an issue that must be confirmed through personnel data and discovery.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

3-1-26

Date

Michael To

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

[Handwritten Signature]

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

WESTCHESTER COUNTY

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

03.01.2026 02SA0013820

Historical Underrepresentation and Why it Matters to Discretionary Discipline Decisions

The agency's persistent underrepresentation of minorities—particularly within the sworn workforce—provides a critical interpretive frame for evaluating discretionary discipline decisions in this matter. DCJS sworn-personnel reporting reflects that the NYSP has remained overwhelmingly White and male over time, and public reporting reflects longstanding concerns that the agency's demographics do not mirror the population it polices.

Separately, public reporting on NYSP recruitment indicates that the agency has attempted to diversify the applicant pipeline (including increased Asian participation among trooper test-takers), underscoring that diversification has been treated as a recognized institutional need rather than an incidental goal.

This historical underrepresentation matters in a discipline case because it operates in tandem with the disciplinary system's structural features.

The NYCLU's FOIL-based analysis and the NYT/New York Focus investigation describe a discipline system characterized by internal control, discretionary routing, inconsistent penalties, and limited transparency—an architecture in which **subjective judgments** (who is treated as credible, what is escalated as “serious,” how charges are selected and stacked, and what penalty is chosen) can determine outcomes in ways that are difficult to audit after the fact.

In an institution where Asian troopers are not even separately disaggregated in the agency-level DCJS race categories (because Asians are included within “Other”), underrepresentation is not just numerical; it can also function as invisibility in the records used to evaluate “normal” treatment—making it more likely that atypical escalation against an Asian trooper will be treated as an isolated “one-off” rather than tested against an auditable baseline.

Accordingly, the underrepresentation context does not substitute for proof of discrimination; it explains why the factfinder must examine how Respondent exercised discretion at each decision point in this case. The case-specific proof is set forth below through comparator discipline outcomes and the selective escalation reflected in the investigation, charge selection, adjudication, and termination pipeline applied to Charging Party.

Persistent Racial Problems Within the Agency

Independent reporting has documented longstanding concerns about race-based disparities and discriminatory culture within the New York State Police. A June 1, 2021 Associated Press investigation reported that minority troopers described discrimination within the ranks as persistent, including accounts of racial slurs, racially degrading imagery, and a workplace culture that some troopers characterized as systemically racist and insufficiently disciplined.

The same reporting described the agency's long-running diversity deficit as historically significant, including that the U.S. Department of Justice sued New York in 1977 over discriminatory hiring and promotion practices within the State Police and that a federal court imposed remedial recruitment goals that were later dissolved and ultimately lifted.

This history is not pleaded as proof that any adverse action in this case was automatically discriminatory; it is pleaded as institutional context for evaluating discretionary decision points—including investigative scope, charge selection, credibility determinations, and penalty selection—where **subjective judgments** can operate without consistent guardrails. The case-specific basis for discrimination is alleged below through comparator discipline outcomes and deviations in the investigative and charging process applied to complainant.

Discipline System and Accountability Failures

A. NYCLU FOIL-based findings show low substantiation rates and predominantly low-level discipline

Independent oversight reporting has raised sustained concerns that the New York State Police’s internal disciplinary system rarely produces meaningful accountability, including in matters implicating discriminatory conduct.

In July 2023, the NYCLU reported that, after obtaining tens of thousands of NYSP records through FOIL, the records reflected nearly **20,000** reported acts of misconduct and over **5,000** recorded use-of-force incidents from **2000 to 2020**, and that misconduct allegations involving civilian harm—including unlawful searches, use of force, and discrimination—were substantiated at particularly low rates.

The NYCLU reported, for example, that only **7%** of nearly **2,300** misconduct investigations referencing use-of-force incidents were “founded,” and only **5%** of roughly **500** investigations referencing racial or religious discrimination were founded.

Even when misconduct was founded, the NYCLU reported that serious discipline was uncommon: of **7,476** founded investigations, **52%** resulted in a “slap on the wrist” (reprimand, censure, or counseling), **13%** resulted in suspension without pay, **10%** resulted in probation, and **2%** resulted in termination.

B. Persistent transparency resistance and litigation over officer identities and underlying records

The NYCLU further reported that the records NYSP produced were limited and that **NYSP refused to disclose the names of officers in categories of misconduct investigations**—prompting ongoing litigation to obtain unredacted data and underlying records that NYSP allegedly continues to withhold from public view.

This contested posture is relevant to accountability because it restricts the ability of the public (and, in many cases, affected individuals) to evaluate **whether discipline is being imposed consistently across units, decisionmakers, and categories of misconduct**.

C. New York Times / New York Focus findings on discretionary discipline and lack of formal guidelines

Independent investigative reporting has also found that the NYSP disciplinary system has **historically operated without formal, agencywide disciplinary guidelines and has therefore produced discretionary and inconsistent outcomes** even in matters involving serious misconduct.

A January 28, 2026 investigation by New York Focus (in collaboration with The New York Times) reported that—unlike other large New York police agencies that maintain explicit investigative steps and disciplinary matrices—the State Police “**has no such formal disciplinary guidelines**,” and that misconduct

investigations and discipline are frequently **discretionary**, resulting in numerous cases where troopers engaged in serious conduct yet remained employed.

The reporting further described how some matters were handled at lower levels of scrutiny, including troop-level processes that may rely on informal supervisory resolution rather than standardized internal affairs procedures, **reinforcing the risk that misconduct can be routed into minimal review and that penalties can vary sharply for similar categories of wrongdoing.**

The same reporting noted that the agency represented it began developing a formal disciplinary model in 2025 that was not yet complete at the time of publication, underscoring that the absence of clear, standardized discipline guidance has persisted for years.

D. Pleading use

This institutional record is pleaded as context for evaluating discretionary decision points in this case—including investigation scope, charging decisions, credibility determinations, findings, and penalty selection—**where internal discretion, inconsistent discipline outcomes, and limited transparency can shape, and at times obscure, disparate treatment.**

Ryder Cup / Two-tier Discipline Controversy

In late 2025, NYSP leadership faced public scrutiny over allegations that senior officials misused law-enforcement credentials or complimentary access to obtain improper admission to the Ryder Cup tournament on Long Island for themselves and, in some instances, family members.

The controversy prompted an internal review and a referral to the New York State Inspector General at the Governor’s direction.

Reporting identified the officials at the center of the inquiry as First Deputy Superintendent R. Christopher West (Black male) and Colonel Darrin S. Pitkin (White male), and described the incident as fueling “two-tier” concerns about how discipline is applied within the agency.

Reporting further described the incident as prompting resignations and internal controversy and was cited by the troopers’ union as evidence of a “two-tiered system” in which discipline is perceived as unevenly applied across ranks.

Assessment of the Agency’s Disciplinary System and How it Frames this Case

The NYCLU’s FOIL-based analysis and the New York Times/New York Focus investigation collectively describe a disciplinary system defined by **internal control, discretionary routing, inconsistent penalties, and limited transparency**—features that are not merely academic, but **directly relevant to how discrimination can operate in discipline cases.**

The NYCLU reported that **NYSP investigates itself, substantiates civilian-facing misconduct and discrimination allegations at particularly low rates**, and imposes serious penalties in only a small fraction of founded matters, with most outcomes resulting in reprimand/censure/counseling rather than termination.

The NYT/NY Focus reporting likewise described the absence of formal, agencywide disciplinary guidelines, the discretionary assignment of matters for higher or lower scrutiny, and penalty variability even within similar misconduct categories.

These findings matter here for a concrete reason: in a system with weak standardization and high discretion, discrimination rarely announces itself through an overt policy; it manifests through **decision-point disparities**—what gets escalated for “formal” treatment versus handled informally, how charges are selected and stacked, how credibility is weighed, and what penalty is chosen when a range of sanctions is demonstrably available.

The NYCLU’s data and the NYT/NY Focus reporting also make clear that, even where misconduct is founded, termination is comparatively uncommon—**reinforcing that termination is a discretionary endpoint that requires scrutiny when similarly serious misconduct has historically resulted in lesser penalties.**

Accordingly, the proper analytical frame in this matter is not simply whether Charging Party was accused of rule violations, but whether Respondent **exercised its discretionary discipline machinery in a selective and punitive** manner against an Asian trooper of [national origin]—including by escalating the investigation, stacking charges to support a termination-grade outcome, and adopting termination despite comparator outcomes demonstrating that Respondent has repeatedly imposed serious discipline short of dismissal for high-severity misconduct categories.

Charging Party

Charging Party Michael Lin self-identifies as Asian-American (Chinese) and is a former New York State Trooper assigned to Troop NYC / SP Brooklyn.

For purposes of this Charge, Charging Party alleges that he was subjected to racially discriminatory treatment and a hostile work environment, including racial hazing and racially charged stereotyping, beginning in or about **January 2019** and continuing through his **termination on September 18, 2025.**

Charging Party further alleges that this ongoing pattern of discriminatory conduct and unequal treatment culminated in Respondent’s selective and punitive use of its investigative, charging, and adjudicatory process to terminate him on September 18, 2025.

2019 — NYSP Academy (Racial Hazing of an Asian Recruit)

During Charging Party’s time at the New York State Police Academy in January 2019, Charging Party witnessed racially biased conduct by Division staff toward another Asian recruit, Trooper Santisouk J. Rasaphone, on his birthday.

Charging Party observed that Trooper Rasaphone (Asian male) was forced to wear a balloon on his wrist for the entire day—including during physical training (running outdoors around the University at Albany where members of the public could observe), during meals, and throughout other activities—as a form of humiliation.

Charging Party alleges that no other recruits, including white recruits who had birthdays around the same time, were subjected to similar treatment.

Charging Party pleads this incident as early evidence that racial bias existed within the Division’s internal culture from the Academy stage.

2022 — SP Liberty Assignment (Racialized Stereotyping and Hostile Joking)

While assigned to SP Liberty in 2022, Charging Party’s partner was Trooper Cameron Fryer (Black male).

During this period, Charging Party alleges that he was subjected to racially charged jokes and nicknames, including being called “Rush Hour 3,” mocking Charging Party’s Asian ethnicity and referencing a film trope about an Asian and Black police duo.

Charging Party pleads that the nickname carried racial undertones and created discomfort in the workplace.

Charging Party further pleads that he did not report the conduct because he feared retaliation and because the Division has a reputation for punishing members who speak up about discrimination.

2022 — Systemic Anchor: Federal Jury Verdict Confirming Investigative Weaponization and Retaliatory Discipline (Nelson & Lyons)

A recent federal jury verdict provides an external, judicially tested anchor for the core theory in this charge: that respondent’s investigative and disciplinary machinery can be used selectively as a tool of targeting and retaliation rather than neutral accountability.

In May 2022, following a federal civil-rights trial in White Plains, a jury awarded a combined **\$3.25 million** to two former State Police members—**Seamus A. Lyons** and **Noel N.J. Nelson**—after rejecting Respondent’s asserted administrative justification tied to missing/stolen drug evidence and crediting the plaintiffs’ theory that they were scapegoated and forced out.

Reporting further states the jury awarded **punitive damages** against former Superintendent **Joseph D’Amico (White male)**, reinforcing that the verdict was not limited to a mere technical error but reflected a finding of wrongful intent in how the investigation and discipline were pursued.

This verdict is pleaded as institutional notice and context for evaluating Respondent’s exercise of discretion in Charging Party’s matter, where Respondent likewise used discretionary investigative and charging choices to pursue a termination-oriented outcome notwithstanding comparator outcomes showing that serious misconduct is frequently resolved through lesser penalties.

August 10, 2024 — New Jersey Arrest Followed by Selective Residency Enforcement

On August 10, 2024, Charging Party alleges he was arrested in New Jersey.

Charging Party pleads that the New Jersey criminal matter was **dismissed on May 19, 2025**.

Charging Party alleges that despite dismissal, NYSP initiated and escalated a residency-focused investigation against him—even though he had been vetted and cleared years earlier—using residency enforcement selectively as a punitive tool rather than a neutral qualification check.

October 1, 2024 — Compelled “Target” Statement at the Professional Services Bureau (PSB) – Fishkill (Coercive Framing; Unequal Treatment; Union Nonfeasance)

On October 1, 2024, at the Professional Standards Bureau, Southern Regional Office (Fishkill, NY), Charging Party alleges he gave a compelled “Target” statement that began at 10:12 a.m.

Charging Party alleges the investigators were Lieutenant Gregory Lischak (White male), Lieutenant Ross Hansen (White male) and Captain Steven Koveleskie (White male); the PBA representative was Trooper Joshua Kaye (White male); and the PBA attorney was John Tuppen (White male).

Charging Party alleges Capt. Koveleskie asked whether Charging Party had “violated any rules or regulations” before any formal charges were served; when Charging Party did not understand the question, Koveleskie rephrased it in a manner designed to guide Charging Party toward self-incrimination.

Charging Party alleges Joshua Kaye did not intervene to protect Charging Party’s rights.

Charging Party alleges that other troopers investigated by the same officers—including Evantz Charmant, Mark Vixama, and Matthew Lipke—were not asked the same incriminating question, and that Charging Party’s interrogation was conducted more harshly than similarly situated members.

Charging Party alleges that after the compelled statement, Joshua Kaye advised that he would negotiate with Deputy Superintendent Colonel West (Black male) and requested anything useful for negotiation; Charging Party provided sixteen letters of commendation and performance information, including high DWI arrest performance within Troop NYC while navigating dual NYPD/NYSP paperwork and procedures without formal training resources.

Charging Party alleges that on a recorded line (date referenced by Charging Party as **February 20**), Joshua Kaye later admitted he lied about negotiating with Colonel West for an hour, stating he did not want to “get into a pissing match” and that doing so would have been a disservice to other members; Charging Party pleads this as evidence of denial of fair representation and coercive interrogation tactics.

April 24–25, 2025 — Charges and Specifications Served (SP Brooklyn)

Charging Party alleges that at the conclusion of the investigation, on April 24, 2025, Respondent initiated Charges and Specifications.

Charging Party alleges he was served with the Charges and Specifications at SP Brooklyn on April 25, 2025. May–June 2025 — retaliatory scheduling and unpaid suspension mechanics.

Charging Party alleges Division Counsel **David Szalda** (White male) scheduled Charging Party’s disciplinary hearing for June 11, 2025 while knowing Charging Party’s assigned PBA attorney John Tuppen was on pre-approved leave.

Charging Party alleges that when he refused to proceed with a substitute attorney he had never met, he was threatened with suspension without pay.

Charging Party alleges that on May 23, 2025, Szalda moved the hearing date to June 23, 2025 in a manner designed to trigger a **30-day unpaid suspension** period under Division payroll procedure, without providing a written interpretation or responding to requests for clarification.

Charging Party alleges that on the same day a union representative (Andy Davis, White male) cursed at him and warned he was “poking the bear.”

Charging Party alleges that although Tuppen returned by July 2, Szalda delayed the hearing again to July 24–25, prolonging unpaid status.

Charging Party alleges that when he requested annual leave to maintain income and health coverage for his wife and three children, Szalda denied the request without citing written policy.

Charging Party pleads these actions as retaliation and intentional manipulation of scheduling and pay status to force disadvantage in the disciplinary process.

Respondent issued **Amended Charges and Specifications dated July 1, 2025**, and Charging Party was served on **July 2, 2025**.

Charging Party alleges the Amended Charges included, in substance: **engaging in misconduct** (Reg. 8A8(1)); **absence/abandonment from duty** (Reg. 5.5); **consuming alcohol while on duty** (Reg. 8H1-1); **facilitating a New Jersey open-container/passenger alcohol violation** (Reg. 8A7); **vehicle/plate violations** (Reg. 8A7 with VTL § 402 references); **nonresidency allegations** tied to Public Officers Law §§ 3(1) and 30(1)(d) and the Division residency rule (Reg. 9.11(a)); multiple counts styled as **Offering a False Instrument for Filing in the Second Degree** (Penal Law § 175.30); and additional counts charging **neglect of duty** (Reg. 8A9(4)) and **conduct tending to bring discredit upon the Division** (Reg. 8A8(2)).

July 2–3, 2025 — Retaliation for Requesting Favorable Witness Statements; Coercive Late-Night Service; Fabrication and Suppression of Favorable Witnesses

Charging Party alleges that on the morning of July 2, 2025, he emailed the Division requesting favorable witness statements from **Jane Lee** (aunt) and **Chuen Lin** (mother).

Charging Party alleges that at approximately 9:45 p.m. that night, Captain Joshua Stahl (White male) and Sergeant Tatiana Wilson arrived unannounced at his family home in Union, New Jersey, waking his children and alarming his family, without prior notice to Charging Party or union counsel; they identified themselves only after being questioned by Charging Party’s wife, Rowena Lin.

Charging Party alleges Stahl demanded he meet that night and compelled him to report to SP Manhattan at approximately 11:30 p.m. while he was suspended without pay.

Charging Party alleges late-night service of amended charges was used as retaliation for requesting favorable witness statements and as a predicate to further investigation, and that he was not afforded an opportunity to answer the amended charges consistent with NYSP Rule 3.7 (as referenced by Charging Party).

Charging Party alleges Stahl sent a false email at 2:18 a.m. on July 3, 2025, falsely claiming Charging Party reported his location and falsely claiming Stahl saw Charging Party driving a manual-transmission vehicle that Charging Party cannot operate.

Charging Party alleges Lieutenant Lischak produced a memo recounting a nine-month-old interaction with Jane Lee dated September 25, 2024, and that Lee’s notarized letter and video confirm she was manipulated

into allowing entry and that Lischak selectively recorded witnesses (recording Charging Party’s mother but not Jane Lee).

Charging Party alleges hostile witness statements were documented immediately while favorable Chinese-language witnesses were suppressed for months, and pleads this selective documentation as probative of discriminatory and retaliatory intent.

Charging Party alleges he filed a grievance regarding Stahl’s conduct and the unpaid status and that Major Christopher P. Casale (White male) delayed responding until August 14, despite returning from vacation on August 12, impairing remedies.

September 10–11, 2025 — Hearing

Respondent commenced a disciplinary hearing on **September 10, 2025** and concluded on **September 11, 2025**, at the **New York State Police Academy, 1220 Washington Avenue, State Campus, Albany, New York**.

The Hearing Board consisted of Lieutenant Colonel Paul M. DeQuatro (Presiding Officer), Major Andre J. Ray, and Captain Kyle J. Kroeger.

Charging Party alleges that during the hearing: union counsel objections under Rule 3.9(d) were overruled; hearsay evidence (including Karen Chang’s statement) was accepted; and Division Counsel Szalda questioned Charging Party’s wife on irrelevant and emotionally abusive topics including alleged infidelity.

Charging Party alleges Captain Stahl and Sergeant Wilson were initially scheduled to testify against him but were removed after the Division received rebuttal evidence, impairing Charging Party’s ability to confront that testimony and present full context.

On September 17, 2025, the Hearing Board issued findings and recommendations concluding that Charging Party was guilty of all charges and recommending termination.

On September 18, 2025, Superintendent Steven G. James (Black male) issued a determination accepting the Hearing Board’s findings and recommendations, finding Charging Party guilty of all charges, and terminating Charging Party from the Division of State Police effective immediately.

Comparator Data

Disposition date	Comparator	Race / National Origin	Troop / Unit (as shown in record)	Top offense theme	Outcome (as recorded)
2004-09-16	Sgt. Kevin M. Anger	TBD	Troop A (Batavia)	False / inaccurate reporting (integrity)	Censure + 4-day suspension (10/13–10/16/2004)

Disposition date	Comparator	Race / National Origin	Troop / Unit (as shown in record)	Top offense theme	Outcome (as recorded)
2006-01-19	Trooper William B. Garland	TBD	Troop C (Sidney)	Consumed alcohol in a State Police-funded hotel while on State Fair Detail; participated in inappropriate anal sexual conduct with semi-conscious female with other troopers while using Division-issued handcuffs	Letter of censure + 5-day suspension
2010-04-12	Trooper Jayson H. Colvin	TBD	Troop C (Sidney)	Permitted a female acquaintance in barracks bedroom, lied to supervisors, seen in secluded area while on duty	Letter of censure + 2-day suspension
2010-07-15	Trooper Aaron Q. Destro	TBD	Troop A (Batavia)	Domestic abuse, stalking behavior, sexual intercourse while on duty, dishonesty in PSB	Censure + 8-day suspension (8/2-8/9/2010)
2012-05-07	Trooper Dean E. Nolte	TBD	Troop A (Batavia)	Dereliction / failure to respond in investigation + related conduct	Censure + 2-day suspension (5/28-5/29/2012)
2012-05-30	Inv. William P. Waszkielewicz	TBD	Seneca Allegany Casino	Misuse of duty time / early departure	Censure + 2.5 hrs sick leave charged + 1

Disposition date	Comparator	Race / National Origin	Troop / Unit (as shown in record)	Top offense theme	Outcome (as recorded)
			Gaming Unit (Salamanca)		day annual leave deducted
2012 (DCN 20120024)	Trooper William R. Stavisky	TBD	(IAB file)	Improper solicitation / ticket-fixing / influence	Founded finding reflected in IAB tracking record
2012 (DCN 20120024)	Trooper Peter A. Steixner	TBD	(IAB file)	Same incident universe	Closed– Unfounded reflected in IAB tracking record
2013-05-31	Trooper John H. Szymkowiak	TBD	Troop A (Batavia)	Multiple misconducts while on duty; interfered with criminal investigation; ran for Fire Chief election while on duty	Censure + 4-day suspension (6/17–6/20/2013)
2013-11-05	Sgt. Kevin M. Anger	TBD	Troop A (Batavia)	Positive drug test, accessed pornography on a Division computer, and lied during an investigation against personnel	4-day suspension for lying, lost 3 annual leave days for positive drug test, 8 leave days for accessing porn
2017-04-10	Trooper Mark R. Jones	TBD	Troop A (Batavia)	Handed a loaded firearm to an intoxicated civilian inside an SP barracks and shot a round off	Censure + 30-day suspension (5/1–5/30/2017) + probationary status
2019-03-21	Trooper Sergio J. Cruz	TBD	Troop A (Batavia)	Arrested for intoxicated	Censure + 90-day suspension (served in

Disposition date	Comparator	Race / National Origin	Troop / Unit (as shown in record)	Top offense theme	Outcome (as recorded)
				driving and hit a civilian	blocks) + probationary status
2019-07-23	Trooper Brandan M. Voss	TBD	Troop A (Batavia)	Failed to secure weapon, evidence, and purposely damaged civilian property	Suspended for 30 days; 3 different personal conduct findings within 3 months
2019-10-01	Trooper Dean E. Nolte	TBD	Troop A (Batavia)	Failed to return to duty for an investigation of a drive-by shooting, gave misleading statements, arrested while intoxicated in Canada and reported it right away	Censure + 60-day suspension (served in blocks)
2023-09-19	Trooper John G. Jackson, Jr.	TBD	Troop NYC	Multi-charge misconduct resolved by guilty plea	Censure + 35-day suspension (9/22–10/26/2023) + 6-month probation + \$4,332 reimbursement
2023-10-05	Trooper Justin L. Skrapits	TBD	Troop NYC	Time theft / false timekeeping + false filing	Censure + 45-day suspension (11/2–12/16/2023) + \$6,434 restitution

The Thomas H. Mungeer Comparator (Contemporaneous Integrity Breach Resolved through Negotiated Mercy)

On January 10, 2023, New York State Police investigators executed a search warrant at the Albany headquarters of the New York State Troopers PBA as part of an ongoing inquiry into past wrongdoing by former top officials.

Mungeer (White male), submitted retirement paperwork with an effective retirement date of October 1, 2025.

On Friday, October 24, 2025, the New York State Police arrested Mungeer at Troop G Headquarters in Latham, New York, and charged him with Grand Larceny in the Third Degree, a class D felony, arising from the alleged misappropriation of union funds while he served as PBA president.

On January 6, 2026, an Albany County Court disposition permitted Mungeer to plead guilty to felony grand larceny after admitting stealing \$25,621 in union funds, under a negotiated agreement that allows the felony plea to be withdrawn and replaced with a misdemeanor petit larceny plea after one year of interim probation, along with restitution and forfeiture of police credentials.

This investigative and adjudicatory arc is pleaded as a contemporaneous comparator illustrating negotiated mercy in a high-severity integrity matter, contrasted with Respondent's termination-oriented handling of Charging Party, culminating in termination on September 18, 2025, without any comparable negotiated pathway to a reduced disposition or probationary resolution.

Under New York's public pension framework, pension forfeiture is not automatic; rather, Article V, § 7 of the New York Constitution and Retirement and Social Security Law ("RSSL") Article 3-B provide a post-conviction mechanism under which the district attorney or attorney general may commence an action seeking pension reduction or forfeiture based on a felony conviction related to public office.

In that statutory context, a negotiated disposition that permits withdrawal of a felony plea and substitution of a misdemeanor plea after interim probation functions as a structural pathway to mitigate or avoid the pension-forfeiture exposure that can attach to a final felony conviction and sentence.

Transparency and Information-Control Context (FOIL)

Charging Party further pleads that the Division's discipline system and the ability to test comparator outcomes are burdened by information-control practices that restrict access to underlying misconduct and discipline records.

On September 26, 2025, NYSP's Records Access Officer issued a "first partial response" to multiple FOIL requests submitted by Charging Party in February 2025 and August 2025 seeking disciplinary records for fourteen current and former members (including Justin Skrapits, Peter Steixner, Thomas Mungeer, Evantz Charmant, Joshua Kaye, Gregory Lischak, Matthew Lipke, Dean E. Nolte, Brandan Voss, and others), stating that certain information was redacted and additional records were withheld under Public Officers Law § 87(2)(b), (f), and (g), and that production would occur on a rolling basis with appeals only after "final production."

In addition, the New York Court of Appeals has held that agencies may not categorically withhold all law-enforcement disciplinary records relating to complaints not deemed substantiated under FOIL’s personal privacy exemption, and must instead evaluate records individually and justify redactions/withholding with particularized reasons. *Matter of New York Civ. Liberties Union v City of Rochester, et al.* 2025 NY Slip Op 01010 Decided on February 20, 2025.

Charging Party pleads this FOIL posture as context for why comparator and decision-chain transparency must be scrutinized in evaluating selective and punitive discipline.

Race (Asian) and National Origin as Impermissible Factors in the Investigation, Charging, and Adjudication Process

Charging Party is Asian-American (Chinese). **Respondent’s discipline system concentrates power in discretionary decision points—investigative routing, charge selection, credibility determinations, and penalty selection—where subjective judgments can materially affect outcomes.**

Within that discretionary architecture, Respondent treated Charging Party’s race and national origin as impermissible factors by subjecting him to selective and punitive decision-making across the investigation, charging, and adjudication stages, culminating in termination.

A. Selective escalation at the investigation stage

Respondent initiated an investigation of Charging Party and subjected him to a “target” interview at Professional Standards Bureau facilities, placing Charging Party into a posture of presumed culpability rather than neutral fact-gathering.

Respondent’s investigative approach toward Charging Party reflected selective escalation—evidenced by the breadth and framing of the allegations pursued and the manner in which the investigation was used to support a termination-oriented charging strategy—rather than a proportionate, consistent application of investigative discretion.

B. Overcharging and penalty-driven charge selection

Respondent then converted investigative allegations into an unusually expansive charging package, including numerous counts that stacked overlapping theories (e.g., misconduct, discredit, neglect of duty) atop the same factual nucleus and added multiple “false instrument for filing” counts tied to employment and benefit forms.

Respondent amplified the punitive posture by issuing Original Charges and Specifications and then serving Amended Charges and Specifications dated July 1, 2025, continuing to pursue a termination-grade outcome.

The charge selection and stacking were not a neutral reflection of facts; they functioned as penalty leverage, positioning Charging Party for dismissal rather than proportionate discipline.

C. Disparate treatment demonstrated by comparator outcomes for serious misconduct

Respondent’s discriminatory motive and selective punitive intent are further shown by comparator discipline outcomes.

As reflected in Respondent’s own discipline letters and determinations, troopers in the comparator set received censure, suspensions, probation, and reimbursements—not termination—even where the alleged misconduct involved high-severity categories such as DWI/crash conduct, weapon safety failures, sexual misconduct, falsification/dishonesty, ticket-fixing/influence, misuse of duty time, and other integrity-related misconduct.

These outcomes demonstrate that Respondent had available a range of serious discipline short of termination for severe misconduct categories, yet chose termination for Charging Party through discretionary overcharging and adjudicatory escalation.

D. Adjudication and adoption of termination

Respondent proceeded to a two-day disciplinary hearing and thereafter imposed termination through the agency’s adjudicatory apparatus, adopting findings and a termination recommendation. The adjudication and adoption process did not cure the discriminatory decision-making embedded upstream; it operationalized it.

Respondent’s final action—termination—was the endpoint of a selectively punitive pipeline in which Charging Party’s race (Asian) and national origin functioned as impermissible factors.

E. Causation and harm

As a direct result of Respondent’s discriminatory and selectively punitive handling of the investigation, charging decisions, adjudication, and penalty selection, Charging Party lost his position, compensation, benefits, professional standing, and future employment opportunities, and suffered consequential emotional and reputational harm.

Title VII Legal Framework, Exhaustion, and Timeliness

Charging Party brings this charge under **Title VII of the Civil Rights Act of 1964**, alleging that Respondent subjected him to disparate treatment in the investigation, charging, adjudication, and termination process because of **Race (Asian-American, Chinese)**.

Title VII prohibits an employer from discharging or otherwise discriminating against an individual with respect to compensation, terms, conditions, or privileges of employment because of race or national origin, and an unlawful employment practice is established where race or national origin was a motivating factor in the challenged employment action.

Charging Party files this charge to exhaust administrative remedies and to obtain EEOC investigation and relief.

This charge is timely because it challenges a continuing course of discriminatory discipline culminating in termination, with the most recent adverse action occurring on **September 18, 2025**.

EEOC guidance provides that a charge generally must be filed within **180 days**, extended up to **300 days** where a state or local agency enforces a law prohibiting the same type of discrimination.

Charging Party requests a Notice of Right to Sue; upon receipt, any civil action must be filed within **90 days**.

Relief requested

Charging Party requests that the EEOC investigate respondent's discriminatory and selectively punitive discipline practices and order all appropriate relief, including: (a) make-whole relief for lost wages, benefits, and other compensation; (b) reinstatement or, in the alternative, front pay; (c) compensatory damages for emotional distress and reputational harm to the extent available; (d) correction of personnel records and removal of discriminatory disciplinary entries; (e) injunctive and policy relief requiring nondiscriminatory discipline standards and consistent application of investigative and charging criteria; and (f) any other relief the EEOC deems just and proper under Title VII.