

Former Agent Awarded \$800,000

BY BRENDAN J. O'REILLY

A federal court awarded a former Brown Harris Stevens of the Hamptons real estate agent nearly \$800,000 this month after finding that the firm fired her in retaliation for reporting discrimination on the basis of race. U.S. District Judge Nina R. Morrison wrote in her June 7 decision that “Shauncy Claud’s emerging career in the Hamptons real estate industry came to a sudden and unexpected halt” on June 30, 2017, just eight months after the Southampton native became the firm’s only Black agent. Morrison credited Claud with having the “ambition, interpersonal skills, and local contacts that were well suited to her chosen career.” The judge wrote that Brown Harris Stevens of the Hamptons, in a curt email, fired Claud after a client’s daughter complained to the firm’s senior executive about Claud’s alleged rudeness, and that, despite having an unblemished record, Claud was never asked to provide her version of events. According to the judge’s written decision, Claud sued Brown Harris Stevens of the Hamptons in March 2018, asserting that she was discriminated against based on her race and that she was fired in retaliation for a com-

plaint she made to the firm’s senior executive manager about a pattern of racial discrimination by her direct supervisor. She was fired two weeks after meeting with the senior executive. Morris heard the case during a three-day bench trial — a trial with no jury — that started on February 8 and found that Claud “readily met her burden of proving” that her termination was retaliatory. Further, she found that the firm’s given reason for firing Claud was “wholly pretextual.” Claud had testified that her supervisor subjected her to inappropriate comments that directly or indirectly referenced her race and to disparate supervisory treatment compared to her white colleagues, including dismissive remarks, refusal to offer mentorship and reduced opportunities for Claud to build her portfolio. In one exchange, according to her testimony, when Claud inquired with her supervisor about updating year-old rental listings — standard procedure that would give her the opportunity to earn commissions — her supervisor called her a “pit bull” who likes “to take things from others.” The alleged lack of mentorship and support also included the supervisor not joining Claud on meetings with

prospective clients and not aiding Claud with pricing homes correctly using “comps,” or comparable properties and sales. When Claud emailed a senior agent for help on comps, the agent wrote back that it was “outrageous” that the supervisor was not offering that help. “[H]e should be offering you my best assistance,” the senior agent wrote. “He does to other agents.” According to Morrison’s 61-page ruling, the complaint of rudeness on Claud’s part stemmed from a June 29, 2017, conversation that Claud had with the daughter of one of her clients. The client had previously told Claud not to discuss the sale of the property with anyone — including the client’s own family. When Claud had trouble reaching the client but got through to the client’s daughter, the daughter asked a number of questions that Claud explained she could not answer, and the daughter told Claud to take the listing off the market, which Claud said she could not do without her client’s permission. The daughter yelled and cursed at Claud during the phone call, until she hung up. The daughter complained to the boss of Claud’s supervisor — the same boss who Claud had spoken to

two weeks prior about her supervisor. Claud soon learned from a company-wide email that she was fired; that email was sent out four minutes after the boss sent her a personal message informing her she no longer had a job there. Claud joined another real estate company but struggled to keep or get new clients due to her short tenure at Brown Harris Stevens. A psychotherapist later diagnosed Claud with post-traumatic stress disorder related to her firing, for which she was given no explanation from Brown Harris Stevens other than the firm was “not the right fit” for her. Claud said on Monday that it was only after she retained counsel that she learned that her client’s daughter had allegedly complained about her. She called it a “false, made-up reason” for her termination. The judge awarded Claud \$200,000 in punitive damages and \$387,897 in compensatory damages. The compensatory damages included \$263,516 in back pay, \$300,000 for emotional distress and \$24,381 in prejudgment interest. “I’m really happy with the outcome,” Claud said. “They treated me very badly and unfairly. So it’s really nice to see this accountability, and I



Shauncy Claud

hope I can encourage other minorities or people of color to speak up.” Claud, who is now living in Atlanta and pursuing a legal studies degree there, said she is “beyond satisfied” with the judge’s decision. “I really applaud her for such great work that she did,” she said of the judge. “She clearly saw I was singled out... She saw it for what it was.” Brown Harris Stevens intends to appeal the decision. “Brown Harris Stevens has always championed nondiscrimination in all settings and was disappointed in the current ruling, particularly since a prior decision in the case had dismissed any discrimination claims,” a spokesperson for the firm said in a statement on Monday. “Brown Harris Stevens will proceed to file a notice of appeal.”

NETTO: LongHouse Reserve Hosts Planters On + Off the Ground



David Netto will judge Planters On + Off the Ground XI.

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be his first time attending a Planters On + Off the Ground opening event. He said he is not going into it with the attitude of a stuffy flower show judge. “I think that irreverence and humor is a big part of this event, from what I’ve gathered,” he said. “... It’s not a tailored, highly intellectualized process to put these vessels and plants together. People seem to just sort of go for it. When I’m judging something like that, I’m not judging it like a car show where the restoration is completely meticulous and academic. I think we’re looking for things that are spirited. And good taste has a place in all of this, but I think courage does as well, and innovation and humor.” He said he’ll be looking for the “daredevils” and thinks

the event is about celebrating the “zaniest” of the garden community in the context of Larsen’s garden — “which everybody loves.” “It seems like a bohemian event to me, not really about rules and the sort of oppression of good taste,” he said. “So I offer that, because that’s in the DNA of the Hamptons. We had that out here before all the money came and made everything so piss-elegant.” He said what he knows about flower shows he learned from a fantastic scene in the 1942 film “Mrs. Miniver” in which a grand woman who won the finest rose contest in the annual village flower show each year decides instead to present the award to the local station master. The station master then dies in a bombing, minutes after he gets the award. “And it’s one of the most beautiful sequences in

film,” Netto said. “And she’s so glad she did this, because it’s the last thing that ever happens to him.” The woman, Lady Beldon, is played by Dame May Whitty. “I intend to channel her as the judge for my excellent judging that I’m going to show in this, and the magnanimity that she shows, the incorruptibility that she shows will all be present in first-, second- and third awards,” Netto said, tongue planted in cheek. Participants for the 11th edition will include Monica Banks, Scott Bluedorn, Judithann Carmack-Fayyaz, Christina Stubelek Garden Design, deMauro + deMauro Landscape Design, Elizabeth A Lear Landscape Associates, Hamptons Grass & Bamboo, Harvest and Bloom, Hedgers & Gardens/The Irony Ltd, Hortulano, LaGuardia De-



A 2022 Planters On + Off the Ground entry by Summerhill Landscapes. COURTESY LONGHOUSE RESERVE

sign Group, Landcraft Environments Ltd, LaPenna-Lee Gardens and Tyler Graphics, Marders, Hope Sandrow, Soil Inc, Studio Meitrose, Summerhill Landscapes, Joshua Werber, Nico Yektai LLC, and Abbie Zabar Inc. Tickets for the Planters On + Off the Ground XI opening event are \$40, or \$30 for LongHouse Reserve members. The event will begin on Saturday, June 24, at 4:30 p.m. with judging at 6 p.m. Visit longhouse.org to reserve.

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