

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CV 15 06 10

KEVIN SIMPKINS,

Plaintiff,

-against-

THE CITY OF NEW YORK; RORY HOUTON  
individually and in his official capacity as Battalion Chief  
in the New York City Fire Department; and John Doe,  
individually and in his official capacity as an employee of  
the New York City Fire Department

**COMPLAINT**

Case No.

**WEINSTEIN, J.**

Defendants.

**Demand for Jury Trial**

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
FILED  
CLERK  
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Plaintiff Kevin Simpkins, by and through his attorneys, the Center for Constitutional Rights, alleges the following upon information and belief against the City of New York ("City"), New York City Fire Department ("FDNY") Battalion Chief Rory Houton, and FDNY official John Doe (collectively "Defendants"):

**NATURE OF THE ACTION**

1. Plaintiff Kevin Simpkins, who for the past 11 years has worked to protect the lives and safety of the people of New York City as a New York City firefighter, brings this civil rights action to vindicate rights guaranteed to him by Title VII of the Civil Rights Act of 1964, the New York State and City Human Rights Laws, and the First Amendment of the United States Constitution which were violated by his employer, the City of New York, and one or more high-ranking officials in the FDNY, namely Battalion Chief Rory Houton and/or John Doe.

2. In direct retaliation for Mr. Simpkins' courageous decision to participate as a named plaintiff in a high-profile federal class action lawsuit successfully challenging a 40-year

history of racially discriminatory hiring practices in the FDNY, *United States, et al. v. City of New York, et al.*, 07-CV-2067 (NGG) (E.D.N.Y.), an employee or employees of the FDNY, including an FDNY Battalion Chief acting within the scope of his employment as an FDNY supervisory-level official and using information to which his supervisory position gave him access, illegally and maliciously released Mr. Simpkins' confidential personnel and medical information to a local New York City newspaper in October 2012 and again in January of 2014. Upon information and belief, this official was Defendant FDNY Battalion Chief Rory Houton. These illegal acts were done to humiliate, intimidate, discredit and retaliate against Mr. Simpkins and other firefighters involved in challenging the FDNY's racially discriminatory hiring practices.

3. The FDNY had ample notice of a racially hostile atmosphere that encouraged retaliation against those fighting for racial equality within the Department, but failed to take action to prevent retaliatory and discriminatory acts by any of its employees, including high-ranking officials. The retaliatory leaks, which also blatantly violated the anti-retaliation provision in the injunctive relief order in the FDNY hiring discrimination lawsuit, were the all-too-predictable result of FDNY policymakers' acquiescence in and/or failure to meaningfully address a longstanding pattern of open and hostile opposition towards the lawsuit and its plaintiffs from large segments of FDNY personnel.

4. As a result of this illegal and continuing retaliation, Mr. Simpkins and his family have suffered severe shame, embarrassment, humiliation, and emotional distress, not to mention serious and unjustified injury to Mr. Simpkins' reputation.

5. Mr. Simpkins brings this action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et seq.*; 42 U.S.C. § 1983; the New York State Human Rights Law

(NYSHRL), N.Y. Exec. L. §§ 296 and 297; the New York City Human Rights Law (NYCHRL), N.Y.C. Admin. Code § 8-101, *et seq.*; and New York common law. He seeks compensatory and punitive damages for violations of his rights under Title VII, NYSHRL, NYCHRL, and the First Amendment of the United States Constitution, and for intentional infliction of emotional distress.

### **JURISDICTION AND VENUE**

6. The jurisdiction of this Court is invoked pursuant to 42 U.S.C. § 2000e-5(f)(3), 28 U.S.C. §§ 1331 and 1343(a)(3)-(4), and 28 U.S.C. § 1367(a) for claims arising under the New York State Human Rights Law, the New York City Human Rights law, and New York Common law, based on supplemental jurisdiction over claims that arise from a common nucleus of operative fact and are so intertwined with other matters pending before the Court as to make exercise of supplemental jurisdiction appropriate.

7. Plaintiff has fully complied with all prerequisites to jurisdiction in this Court under Title VII and New York City and State law. This action is founded on a charge filed with the United States Equal Employment Opportunity Commission (“EEOC”) by Plaintiff in or about July 2013. (*See* charge no. 520-2013-02781, attached hereto as Exhibit A). This lawsuit is commenced within ninety (90) days of Plaintiff’s receipt of a notice from the U.S. Department of Justice that he has the right to sue. He also filed a Notice of Claim with the City of New York on April 15, 2014. (*See* Notice of Claim, attached hereto as Exhibit B).

8. Venue is proper in the United States District Court for the Eastern District of New York pursuant to 28 U.S.C. §§ 1391 (b) and (c).

### **PARTIES**

9. Plaintiff Kevin Simpkins is a 47-year-old African-American man who since 2003 has been employed as a firefighter by the City of New York. He is also a named plaintiff-intervenor and representative of the Delayed-Hire subclass in *United States, et al. v. City of New York, et al.*, 07-CV-2067 (NGG) (E.D.N.Y.), a federal class action which successfully challenged the FDNY's racially discriminatory hiring practices.

10. Defendant City of New York ("City") is a municipal corporation duly organized and existing under the laws of the State of New York. Defendant City is an employer as defined by Title VII. Defendant City is a "person" for purposes of enforcement of the rights guaranteed under 42 U.S.C. § 1983. The City is authorized under the laws of the State of New York to maintain a fire department, the New York City Fire Department ("FDNY"), which is a department, agency, bureau and/or subdivision of the City and is the employer of Mr. Simpkins and Defendants Houton and John Doe.

11. Defendant Rory Houton is employed by the City of New York as a Battalion Chief in the FDNY's Bureau of Uniformed Personnel.

12. Defendant John Doe is, upon information and belief, employed by the City of New York in a supervisory level position in the FDNY.

## **FACTS**

### **Plaintiff's Employment in the FDNY and Participation in the Vulcan Society's Hiring Discrimination Lawsuit Against the City**

13. Mr. Simpkins was appointed as a firefighter in the FDNY in June 2003. Over the next nine-and-a-half years, until October 2012, Mr. Simpkins worked as a firefighter in FDNY Engine Company 233 in Brooklyn. During his entire time in Engine Company 233, Mr.

Simpkins was never disciplined for any violations of FDNY policies or regulations and never received a negative performance evaluation.

14. Since joining the FDNY, Mr. Simpkins has also been an active member of the Vulcan Society, Inc. (“the Vulcans”), the fraternal organization of black New York City Firefighters. Founded in 1940, the Vulcans have for decades advocated for more racial diversity in New York City’s firefighter ranks and for reform to the City’s firefighter recruitment and hiring practices which have disproportionately excluded black and Latino firefighter candidates from the FDNY. Their efforts have included the filing of two federal lawsuits, one in the early 1970’s and another in 2007, both of which successfully challenged the City’s civil service exams for firefighter that had disproportionately screened out minority firefighter candidates. *See Vulcan Soc’y of the New York City Fire Dep’t, Inc. v. Civil Serv. Comm’n*, 360 F.Supp. 1265 (S.D.N.Y. 1973), *aff’d in relevant part by* 490 F.2d 387 (2d Cir. 1973); *United States v. City of New York*, 637 F.Supp.2d 77 (E.D.N.Y. 2009).

15. In 2002, the Vulcan Society filed a charge of discrimination with the EEOC, alleging that the City’s civil service exam for firefighters administered in 1999 had an adverse impact on minority firefighter candidates, was not job-related or consistent with business necessity, and therefore violated Title VII. A subsequent charge was filed with EEOC by three individual black firefighter candidates in 2005, which made the same allegations about the City’s 2002 firefighter exam.

16. As to both charges, the EEOC determined that there was cause to believe that the City’s 1999 and 2002 exams had violated Title VII. Both charges were referred to the United States Department of Justice, which in May 2007 filed suit against the City under Title VII alleging that the City’s 1999 and 2002 civil service exams for firefighter had discriminated

against black and Latino firefighter candidates. *See United States, et al. v. City of New York, et al.*, 07-CV-2067 (NGG), Dkt # 1 (E.D.N.Y. May 21, 2007).

17. The Vulcan Society and the three black firefighter candidates who filed the 2005 EEOC charge, were permitted, as the original charging parties, to intervene as co-plaintiffs in September 2007. *See United States, et al. v. City of New York, et al.*, 07-CV-2067 (NGG), Dkt # 47 (E.D.N.Y. Sep. 5, 2007) (hereinafter “Vulcan Society lawsuit”). The Vulcan Society and the individuals filed their own complaint on behalf of themselves and a class of black firefighter candidates who had either been denied appointment as firefighters or whose appointments were delayed because of the City’s use of the discriminatory 1999 and 2002 firefighter exams, alleging violations of Title VII, the Equal Protection Clause of the Fourteenth Amendment, and the New York City and State Human Rights Laws. *See id.*, Dkt # 48 (E.D.N.Y. Sep. 25, 2007).

18. In July 2009, the District Court granted summary judgment in favor of the Department of Justice, the Vulcan Society, and the individual plaintiffs, holding that, as a matter of law, the City’s use of the 1999 and 2002 firefighter exams constituted disparate impact discrimination against black and Latino firefighter candidates under Title VII. *United States v. City of New York*, 637 F.Supp.2d 77 (E.D.N.Y. 2009). In January 2010, the Court ruled that, to remedy this discrimination, the City would have to develop a new, non-discriminatory firefighter exam and provide monetary and other forms of compensatory relief to those black and Latino firefighter candidates who were either denied appointment as firefighters or whose appointments were delayed because of the City’s use of the discriminatory 1999 and 2002 firefighter exams. *United States v. City of New York*, 07-CV-2067 (NGG), 2010 U.S. Dist. LEXIS 4509 (E.D.N.Y. Jan 21, 2010)

19. Mr. Simpkins took the City's 1999 exam, and his appointment as a firefighter was delayed for months or years because of the racially discriminatory nature of that exam. *See United States v. City of New York*, 07-CV-2067, Dkt ## 1012, 1145-4, 1182 (E.D.N.Y.). Thus, in July 2011, Mr. Simpkins successfully moved the District Court for appointment as the representative of the plaintiff subclass of black firefighter candidates whose appointments to the FDNY had been delayed because of the City's discrimination (the "Delayed Hire Subclass"). *See id.*, Dkt ## 643-1, 643-4, 665. The Delayed Hire Subclass was certified for purposes of seeking monetary and other forms of compensatory relief, other than non-economic damages, for black firefighter candidates whose appointments to the FDNY had been delayed because of the City's use of the discriminatory 1999 and 2002 firefighter exams.

20. As a result of his appointment as subclass representative, Mr. Simpkins' name was added to the caption in the case and appeared on all court filings, almost all of which were accessible to the general public and many of which received extensive press coverage throughout the remainder of 2011 and 2012.

21. Mr. Simpkins' membership in the Vulcan Society and participation in the Vulcan Society lawsuit were therefore well-known to many people within the FDNY in 2011 and 2012.

22. In December 2011, noting the severe and persistent underrepresentation of people of color in the FDNY's firefighter ranks resulting from a 40-year history of racially discriminatory hiring practices, the District Court issued a Remedial Order in the Vulcan Society lawsuit which imposed several forms of injunctive relief on the City, including the appointment of a Court Monitor to oversee Court-ordered reforms to the City's firefighter recruitment and hiring practices, and included a provision permanently enjoining the City from "retaliat[ing] against or in any way adversely affect[ing] the terms or conditions of employment of any person

because he or she has complained of discrimination against blacks or Hispanics on the basis of their race or national origin in the selection and hiring of entry-level firefighters, or has participated in the investigation or litigation of any claim or allegation of such discrimination, or has sought or obtained relief from the court in this case.” See *United States v. City of New York*, 07-CV-2067, 2011 U.S. Dist. LEXIS 141117, \*13 (E.D.N.Y. Dec. 8, 2011), *aff’d in part and modified in part* 717 F.3d 72 (2d Cir. 2013). While some portions of the order were later vacated by the United States Court of Appeals for the Second Circuit, the anti-retaliation provision was affirmed. See *United States v. City of New York*, 717 F.3d at 95-99.

23. In March 2012, the District Court held that the Delayed Hire Subclass was entitled to an aggregate backpay damages award of up to \$1.5 million, subject to mitigation of each subclass member’s individual backpay damages to be determined through an individual claims process established by the Court. *United States v. City of New York*, 847 F.Supp.2d 395 (E.D.N.Y. 2012).

24. In July 2012, the District Court provisionally approved a proposed order on compensatory relief which (i) listed all the categories of compensatory relief that black and Latino victims of the City’s discriminatory hiring practices could potentially receive (backpay, retroactive seniority, priority hiring for certain victims who had been denied appointment as firefighters, and compensatory damages for certain black victims), (ii) set forth the criteria for determining each individual claimant’s eligibility for this relief, (iii) described how the amount of each individual eligible claimant’s backpay and retroactive seniority award would be calculated, (iv) described the claims process through which individual claimants’ eligibility for relief and the amount of each individual claimant’s relief award would be determined, and (v) provided for a fairness hearing, at which all individuals whose interests may be affected by the

proposed relief order, including incumbent firefighters and fire officers, could appear to voice their objections to final approval of the order. See *United States v. City of New York*, 07-CV-2067, Dkt # 916 (E.D.N.Y. July 5, 2012).

25. The District Court scheduled the Fairness Hearing for October 1-4, 2012.

**The City's Acquiescence In and Failure to Address FDNY Personnel's Longstanding and Widespread Hostility Towards and Criticism of the Vulcan Society Lawsuit and Plaintiffs**

26. Strong and vocal opposition and hostility to the Vulcan Society's lawsuit and their other diversity advocacy efforts have existed within large segments of the FDNY workforce for many years.

27. In 2007 and 2008, then-FDNY Battalion Chief Michael Gala wrote a series of letters to the editor of the *Chief-Leader* newspaper, a publication which focuses on labor and employment issues of concern to City agency employees, in which he criticized then-Vulcans President John Coombs' ideas for diversifying the FDNY as "shallow," said he was "tired" of black and female FDNY firefighters claiming that the FDNY's hiring practices were unfair, and argued that white male firefighters were never allowed to complain about unfair treatment.

28. Gala has since been promoted to FDNY Deputy Chief of Uniformed Personnel. As head of Uniformed Personnel, he is Defendant Houton's supervisor.

29. Beginning in 2010 and continuing over the next two years, an organization called Merit Matters, whose membership includes hundreds of current FDNY firefighters and fire officers assigned to firehouses in all five boroughs and whose president is an FDNY Division Chief in the Bronx, began posting written materials in several FDNY firehouses that were very critical of the Vulcan Society, their lawsuit, the District Court Judge and the Court Monitor.

Several minority firefighters who saw and were offended by these materials complained about them to the FDNY's Equal Employment Opportunity Office (EEO) and to high-ranking FDNY officers, but the FDNY and the City did nothing to stop dissemination of these materials on FDNY property.

30. Between August 2011 and September 2012, the president of Merit Matters wrote at least a dozen "press releases" that were distributed over the FDNY's fax system to, and placed on bulletin boards and in other locations within, numerous FDNY firehouses and which, among other things (i) accused the District Judge in the Vulcans lawsuit of bias and nepotism, (ii) accused the Vulcans of helping minority firefighter candidates get an unfair advantage on the 2007 City firefighter entrance exam and of racial bias against white firefighter candidates, (iii) suggested that the Vulcans' efforts to reform the FDNY's firefighter hiring practices put the lives of current firefighters at risk, (iv) claimed that many of the Court-ordered injunctive remedies discriminated against whites, (v) discouraged black and Latino firefighters who were victims of the City's discriminatory 1999 and 2002 firefighter entrance exams from filing claims for compensatory relief and argued that such claims would cause resentment among the FDNY rank-and-file, and (vi) encouraged all incumbent FDNY firefighters and fire officers who opposed the District Court's proposed order on compensatory relief to attend and voice their opposition at the October 2012 Fairness Hearing.

31. From January to September 2012, the Vulcan Society repeatedly brought these faxes to the attention of the FDNY leadership, other City policymaking officials, and the Court Monitor in the Vulcan Society lawsuit, explaining how they had the potential to encourage hostility and retaliation against the Vulcan Society and any FDNY minority firefighter who was affiliated with or supported them or their lawsuit and thus implicated the anti-retaliation

provision of the District Court's December 2011 injunctive relief order. The Vulcan Society demanded that the City: (i) investigate whether these faxes and postings violated FDNY equal employment opportunity (EEO) policies and policies governing the use of the departmental fax machines and posting of written materials in firehouses, (ii) attempt to identify and then discipline the individuals who faxed and posted the press releases in the firehouses; (iii) prohibit any future dissemination to and posting of such materials in firehouses, and (iv) issue a written statement to all FDNY personnel indicating that FDNY leadership disagrees with the viewpoints expressed in the Merit Matters press releases and that retaliation against any individuals involved with or supporting the Vulcan Society or its lawsuit will not be tolerated and will result in disciplinary action.

32. However, from January to October 2012, the City (i) maintained that the vast majority of aforementioned faxes and postings did not violate FDNY policies governing faxing and posting of written materials in firehouses and that none of the faxes or postings violated FDNY EEO policies or implicated the anti-retaliation provision of the District Court's December 2011 injunctive relief order; (ii) failed to identify or discipline any FDNY personnel for the faxes and postings, (iii) refused to issue a departmental order prohibiting the future placement of such press releases in firehouse locations other than bulletin boards, and (iv) failed to issue any written statements from FDNY leadership to the rank-and-file disavowing the viewpoints in the Merit Matters press releases and prohibiting retaliation against any individual involved with or supportive of the Vulcans or their lawsuit.

33. At the fairness hearing on the proposed compensatory relief order in the Vulcan Society lawsuit held October 1-4, 2012, several hundred incumbent FDNY firefighters and fire officers up to the rank of division chief attended and, among other things, criticized the Court's

liability ruling against the City, expressed outrage that the Court was interfering with the culture and traditions of the FDNY, claimed that the proposed compensatory relief discriminated against whites and would result in the hiring of unqualified minority firefighters, argued that the black and Latino victims of the City's discriminatory firefighter exams did not deserve the compensatory relief they would receive under the proposed order, and ominously predicted that awarding this compensatory relief to these black and Latino victims of discrimination would breed severe resentment among the FDNY rank-and-file, who would never truly accept these individuals as fellow New York City firefighters.

**The Initial Retaliatory Disclosure of Mr. Simpkins'  
Confidential Medical and Personnel Information**

34. In September 2012, the FDNY administered a drug test to Mr. Simpkins and other firefighters in his firehouse.

35. On or about October 3 2012, during the same week as the aforementioned fairness hearing in the Vulcan Society lawsuit, Mr. Simpkins received at his home in Queens a written notice from the FDNY's Bureau of Investigations and Trials ("BITS"), stating that he had tested positive for drugs-but did not specify what drugs- and that he was suspended from his position as a firefighter and had to report to FDNY headquarters on November 5, 2012.

36. At the bottom of the notice was a list of the names of 19 FDNY personnel who also received a copy of the notice. Among the names of recipients was Defendant Houton.

37. Just two days later, on October 5, 2012, one of Mr. Simpkins' attorneys in the Vulcan Society lawsuit, Darius Charney of the Center for Constitutional Rights, received a telephone call from a *New York Post* reporter who indicated that he had been informed by "an FDNY source" that Mr. Simpkins had tested positive for marijuana and had been suspended

from his position as firefighter. The reporter asked Mr. Charney for comment, but Mr. Charney refused to provide any. Mr. Charney immediately informed the City's attorney and the Court Monitor that the *New York Post* had obtained confidential and sensitive information about a named plaintiff in the Vulcan Society lawsuit from someone inside of the FDNY.

38. On October 11, 2012, the *New York Post* published in both its print and online editions a story by the same reporter who had called Mr. Charney entitled "Firefighter in Court fight vs. FDNY Suspended After Positive Pot Test: Sources." The article stated that the information about Mr. Simpkins' suspension came from "an FDNY document" and that unidentified "sources" stated that the suspension was for a positive marijuana test.

39. Upon information and belief, the "FDNY document" mentioned in the *New York Post* article is the BITS notice which Mr. Simpkins had received, and it was provided to the *Post* by Defendants Houton and/or John Doe, who, upon information and belief, are the unidentified "sources" mentioned in the article.

40. It is plain from the contents of the article that the newsworthiness of this information was not the suspension of an ordinary firefighter, but the suspension of a firefighter who had taken a leadership role in suing the FDNY for discrimination and winning relief for hundreds of Black and Latino firefighters and applicants. The article's first sentence reads, "He was riding high after a landmark federal-court victory – then got even higher."

41. The same day the *Post* article was published, it was re-posted on a website called The Rant, under the heading "Active Fireman, a Plaintiff in Fed. Hiring Case, Suspended on Pot Test." In addition, a blog called [irateirishman.com](http://irateirishman.com) published a posting on October 11, 2012 entitled "NigNog Appointed to the FDNY by Court Order Suspended for Failed Test," which discussed Mr. Simpkins' positive drug test and suspension and cited "an FDNY document" as its

source. Upon information and belief, the “FDNY document” was the BITS notice that Mr. Simpkins had received and had been seen by a number of supervisory and/or confidential FDNY employees, including Defendant Houton. Copies of the *New York Post* article and The RANT and [irateirishman.com](http://irateirishman.com) postings, including the highly racially inflammatory epithets posted in comments to the articles, are attached hereto as Exhibit C.

42. FDNY regulations and New York Civil Rights Law § 50-a classify firefighter personnel records, including the results of employer-administered drug tests and suspensions, as confidential and prohibit their disclosure without the express written consent of the firefighter him or herself or a court order. Neither Defendant Houton, John Doe, nor any other FDNY employee had Mr. Simpkins’ consent or a court order to disclose Mr. Simpkins’ drug test results and suspension to persons outside of the FDNY.

43. The illegal and unauthorized disclosures and the resulting news articles and internet postings caused Mr. Simpkins, his wife and children severe shame, embarrassment, humiliation, and emotional distress, as well as injury to Mr. Simpkins’ reputation.

44. Although Mr. Simpkins’ attorneys had immediately notified the FDNY that the *New York Post* had contacted them about the leak of confidential information, the FDNY’s internal office of Equal Employment Opportunity (“EEO Office”) did not investigate the matter, nor did the City treat the investigation as one involving retaliation that violated Title VII.

45. Although BITS conducted an investigation in the fall of 2012, it did not subpoena the fax or other telephone records of the FDNY personnel based at FDNY headquarters or listed on Mr. Simpkins’ BITS suspension notice, including personnel in the Bureau of Uniformed Personnel, at that time. BITS was unsurprisingly unable to identify the source of the leak.

46. Not only did the FDNY fail to take obvious investigatory steps, including involving the EEO Office in an investigation of blatant retaliation for seeking to vindicate rights under federal and state EEO laws, it also did nothing to remedy the discrimination and retaliation after the fact. The FDNY did nothing to alert personnel of potential security breaches or to advise FDNY personnel that retaliation against anyone for their participation in the Vulcan Society lawsuit was unacceptable and indeed illegal conduct. Thus the FDNY made clear that it effectively condones discrimination, retaliation, and privacy violations of its Black firefighters, particularly those who take steps to call the FDNY to account for discrimination.

47. On July 29, 2013, Mr. Simpkins filed a charge of discrimination with the EEOC, alleging that the aforementioned disclosure of his drug test results and suspension was done in retaliation for his involvement in the Vulcan Society lawsuit and thus violated Title VII. A copy of the charge is attached hereto as Exhibit A.

48. After Mr. Simpkins filed the charge, he was informed that BITS had found his claim of retaliatory and improper disclosure of his drug test results and suspension “unsubstantiated.” Having found the claim unsubstantiated, the FDNY did nothing to alert employees that retaliatory leaks were egregious violations of Title VII and FDNY policy.

**The Second Retaliatory Disclosure of Mr. Simpkins’  
Confidential Medical and Personnel Information**

49. On January 16, 2014, reporters from the *New York Post* appeared at Mr. Simpkins’ firehouse and then went to his home in Queens, where they took a photograph of him without permission. The next day, January 17, 2014, the *New York Post* published another inflammatory article about Mr. Simpkins, titled “Firefighter barred from driving FDNY van seeks disability pension after crash.” The article, citing an “FDNY source” and an “FDNY

official,” described a serious car accident in November 2013 in which Mr. Simpkins was driving an FDNY vehicle, and it falsely stated that he had been driving without permission. The article also alleged that as a result of Mr. Simpkins’ injuries, he had filed for a disability pension, although in fact Mr. Simpkins had not done so at that time. Like the article published in October of 2012, the January 2014 article cited “FDNY sources” and highlighted Mr. Simpkins’ involvement in the Vulcan Society’s hiring discrimination lawsuit. A copy of the article is attached hereto as Exhibit D.

50. Upon information and belief, one or more of the “FDNY sources” and the FDNY “official” identified in the January 16, 2014 *New York Post* article is Defendant Houton - who, as Battalion Chief in the Bureau of Uniformed Personnel, had previously disclosed private information about Mr. Simpkins to the *Post* without receiving any reprimand from the FDNY and who, as described below, has refused to cooperate with the leak investigation - and/or Defendant John Doe

51. Mr. Simpkins filed a complaint with the FDNY’s EEO Office on or about January 21, 2014, where he was advised by an investigator that because Mr. Simpkins himself could not identify the *Post*’s FDNY source, an internal investigation might not be opened. He was given a similar impression by BITS when he participated in an investigatory interview regarding the second leak. On March 6, 2014, Mr. Simpkins provided an update to the EEOC regarding the second leak, asserting continuing retaliation.

52. Mr. Simpkins’ attorneys also referred the matter to the Court Monitor in the Vulcan Society lawsuit. In or around March 2014, the City launched another investigation, this time, for the first time, subpoenaing telephone and email records of multiple FDNY personnel with access to the confidential information related to both the October 2012 leak and the January

2014 leak. The City is currently involved in litigation in New York State Supreme Court over access to the records of the only one of those FDNY employees who has objected to the subpoena: Battalion Chief Rory Houton, whose name appeared on the list of officials with access to Mr. Simpkins' confidential personnel information in October of 2012 and was thus well-known to the FDNY as a potential source of the information long before the second leak.

53. Mr. Simpkins filed a notice of claim with the City of New York's Comptroller's office on April 15, 2014. (*See* Notice of Claim, attached hereto as Exhibit B)

54. The notice of the Mr. Simpkins' right to sue was received from the U.S. Department of Justice on November 10, 2014.

**FDNY's Systemic Failure to Protect Employees' Confidential Medical and Personnel Information from Improper Disclosure**

55. Under current FDNY policy and procedures, any current FDNY fire officer can access any current or former FDNY employee's confidential medical and duty assignment information on the FDNY's computerized Human Resource Information System (HRIS) from any computer terminal in FDNY headquarters, or in any FDNY division, battalion, or firehouse by using a password that the FDNY provides to every fire officer.

56. The FDNY currently does not have procedures or mechanisms in place to prevent fire officers from sharing their HRIS passwords with other FDNY employees who are not authorized to access confidential personnel records on the HRIS, and many fire officers have in fact shared their passwords with such employees several times over the past five years.

57. Since 2009, several other current and former FDNY firefighters besides Mr. Simpkins have had their confidential medical and personnel information illegally disclosed to local media outlets without their consent by FDNY personnel, including:

- a. Latina probationary firefighter Wendy Tapia, whose fire academy fitness test results and medical injury information were leaked to the *New York Post* in 2013 and about whom the *Post* published articles on or about November 10, 2013 and September 26, 2014;
- b. Black probationary firefighter Choeurlyne Doirin, whose fire academy fitness test results were leaked to the *New York Post* in 2014 and about whom the *Post* published articles on or about July 26, 2014 and September 26, 2014; and
- c. Peter Gleason, a retired firefighter who served in the FDNY from 1986-1996 and who, as an attorney, has represented numerous firefighters in cases against the FDNY, whose FDNY medical records were leaked to the *Village Voice* newspaper in 2009 and about whom the *Village Voice* published an article on or about August 19, 2009.

58. Yet, despite being put on notice of this ongoing and disturbing pattern of leaks committed by its own personnel, FDNY and City policymakers have continuously failed to take sufficient steps to protect confidential and sensitive FDNY employee information from such illegal disclosures.

59. The unauthorized, retaliatory and illegal disclosures of Mr. Simpkins' confidential medical and personnel information was a direct, proximate, and foreseeable result of this failure on the part of City and FDNY policymakers.

**FIRST CAUSE OF ACTION**  
(Retaliation- Title VII- 42 U.S.C. §2000e-3)  
Against the City of New York

60. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-59 as if fully set forth herein.

61. Plaintiff's employer Defendant City of New York, through its agent or agents, including, but not limited to, Defendants Rory Houton and/or John Doe, supervisory-level City officials acting within the scope of their employment, discriminated against Plaintiff because of his participation in litigation under 42 U.S.C. § 2000e challenging the City's racially discriminatory firefighter hiring practices by intentionally and illegally disclosing Plaintiff's confidential and sensitive medical and personnel information to individuals and entities outside of the New York City Fire Department.

62. Defendant City of New York was also well aware of the grave risk of such retaliatory discrimination being committed against Plaintiff by one of its agents but intentionally, recklessly, and unreasonably failed to take sufficient measures to prevent such retaliation from occurring.

63. As a direct and proximate result of the City's and its agents' acts and omissions, Plaintiff suffered mental anguish, pain and suffering, emotional distress and injury to his reputation.

**SECOND CAUSE OF ACTION**  
(Retaliation- New York State Human Rights Law- N.Y. Exec. L. § 296)  
Against Defendants Houton and John Doe

64. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-63 as if fully set forth herein.

65. Defendant Houton and/or John Doe, acting within the scope of their employment as a supervisory officials employed by Plaintiff's employer the City of New York, retaliated against Plaintiff for his participation in a lawsuit challenging the City's racially discriminatory firefighter hiring practices by intentionally, maliciously and illegally disclosing Plaintiff's confidential and sensitive medical and personnel information to individuals and entities outside of the New York City Fire Department.

66. As a direct and proximate result of Houton's and/or John Doe's acts, Plaintiff suffered mental anguish, pain and suffering, emotional distress and injury to his reputation.

**THIRD CAUSE OF ACTION**

(Retaliation- New York State Human Rights Law- N.Y. Exec. L. § 296)  
Against the City of New York

67. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-66 as if fully set forth herein

68. Plaintiff's employer Defendant City of New York encouraged, condoned and/or acquiesced in its employees' retaliation against Plaintiff for his participation in a lawsuit challenging the City's racially discriminatory firefighter hiring practices.

69. As a direct and proximate result of the City's acts and omissions, Plaintiff suffered mental anguish, pain and suffering, emotional distress and injury to his reputation.

**FOURTH CAUSE OF ACTION**

(Retaliation- New York City Human Rights Law, N.Y City Admin. Code § 8-107)  
Against Defendants Houton and John Doe

70. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-69 as if fully set forth herein.

71. Defendants Houton and/or John Doe, acting within the scope of their employment as supervisory officials employed by Plaintiff's employer the City of New York, retaliated

against Plaintiff for his participation in a lawsuit challenging the City's racially discriminatory firefighter hiring practices by intentionally, maliciously and illegally disclosing Plaintiff's confidential and sensitive medical and personnel information to individuals and entities outside of the New York City Fire Department.

72. As a direct and proximate result of Houton's and/or John Doe's acts, Plaintiff suffered mental anguish, pain and suffering, emotional distress and injury to his reputation.

**FIFTH CAUSE OF ACTION**

(Retaliation- New York City Human Rights Law- N.Y. City Admin Code § 8-107)  
Against the City of New York

73. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-72 as if fully set forth herein.

74. Plaintiff's employer Defendant City of New York encouraged, condoned and acquiesced in its employees' retaliation against Plaintiff for his participation in a lawsuit challenging the City's racially discriminatory firefighter hiring practices.

75. As a direct and proximate result of the City's acts and omissions, Plaintiff suffered mental anguish, pain and suffering, emotional distress and injury to his reputation.

**SIXTH CAUSE OF ACTION**

(Retaliation- First Amendment- 42 U.S.C. § 1983)  
Against Defendants Houton and John Doe

76. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-75 as if fully set forth herein.

77. Plaintiff's participation as a plaintiff in a federal civil rights lawsuit challenging the City of New York's racially discriminatory firefighter practices is activity protected by the First Amendment of the United States Constitution.

78. Defendants Houton and/or John Doe, acting under color of state law and in their capacity as employees of the City, retaliated against Plaintiff for his participation in a lawsuit challenging the City's racially discriminatory firefighter hiring practices by intentionally, maliciously and illegally disclosing Plaintiff's confidential and sensitive medical and personnel information to individuals and entities outside of the New York City Fire Department.

79. As a direct and proximate result of Houton's and/or John Doe's acts, Plaintiff suffered mental anguish, pain and suffering, emotional distress and injury to his reputation.

**SEVENTH CAUSE OF ACTION**

(Municipal Liability- First Amendment Retaliation- 42 U.S.C. § 1983)  
Against the City of New York

80. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-79 as if fully set forth herein.

81. Defendants Houton's and/or John Doe's illegal disclosure of Plaintiff's confidential medical and personnel information to individuals outside of the FDNY in retaliation for his participation in a lawsuit challenging the City's racially discriminatory firefighter hiring practices, and the injuries such disclosure caused to Plaintiff, were the direct and proximate result of *de facto* City policies and practices in existence at the time of the disclosure, which included, *inter alia*:

- a. City and FDNY policymakers condoning, encouraging, and acquiescing in a longstanding and widespread practice among FDNY personnel of openly and publicly criticizing, intimidating and attacking the reputations of the Vulcan Society, its members, and other participants in its lawsuit challenging the City's discriminatory firefighter hiring practices; and

- b. A knowing, reckless, and deliberately indifferent failure to prevent retaliation by FDNY personnel against the Vulcan Society, its members, and other participants in the Vulcans lawsuit, the risk of which was readily apparent to FDNY and City policymakers in the months preceding the illegal and retaliatory leak of Plaintiff's confidential medical and personnel information; and
- c. A knowing, reckless, and deliberately indifferent failure to prevent unauthorized and illegal disclosure of confidential and sensitive FDNY employee medical and personnel information to the media by other FDNY employees.

**EIGHTH CAUSE OF ACTION**

(Common Law Intentional Infliction of Emotional Distress)  
Against Defendants Houton and John Doe

82. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-81 as if fully set forth herein.

83. Defendant Houton's and/or John Doe's illegal and retaliatory disclosure of Plaintiff's confidential and sensitive medical and personnel information to individuals and entities outside of the Fire Department was extreme and outrageous, and was done with the intent of causing Plaintiff severe humiliation and emotional distress.

84. As a direct and proximate result of Houton's and/or John Doe's acts, Plaintiff suffered mental anguish, pain and suffering, emotional distress and injury to his reputation.

WHEREFORE, Plaintiff demands the following relief jointly and severally against all defendants:

- (a) A declaration that defendants violated Plaintiff's federal constitutional and state and federal statutory rights;
- (b) Compensatory damages for emotional and reputational injuries suffered by plaintiff by reason of defendants' unlawful and unjustified conduct, in an amount just and reasonable and in conformity with the evidence at trial;
- (c) Punitive damages against Defendant Houton and/or John Doe to the extent allowable by law;
- (d) Reasonable attorneys' fees pursuant to 42 U.S.C. §§ 1988 and 2000e-5(k); and
- (e) Costs and disbursements of this action; and
- (f) Such further relief as appears just and proper.

Dated: New York, New York  
February 6, 2015

By:   
Darius Charney

Darius Charney  
Ghita Schwarz  
THE CENTER FOR CONSTITUTIONAL  
RIGHTS  
666 Broadway, 7<sup>th</sup> Floor  
New York, NY 10012  
(212) 614-6464(t)  
(212) 614-6499(f)  
[dcharney@ccrjustice.org](mailto:dcharney@ccrjustice.org)  
[gschwarz@ccrjustice.org](mailto:gschwarz@ccrjustice.org)

# EXHIBIT A

<b>CHARGE OF DISCRIMINATION</b>		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
State or local Agency, if any		and EEOC	
NAME (Indicate Mr., Ms., Mrs.)		HOME TELEPHONE (Include Area Code)	
Mr. Kevin Simpkins		(347) 449-8489	
STREET ADDRESS	CITY, STATE AND ZIP CODE	DATE OF BIRTH	
220-08 146 <sup>th</sup> Avenue, Apt 2	Springfield Gardens, NY 11413	2-10-1967	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME	NUMBER OF EMPLOYEES, MEMBERS	TELEPHONE (Include Area Code)	
New York City Fire Department (FDNY)	Over 14,000	(718) 999-2000	
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY	
9 Metrotech Center, Brooklyn, NY 11201		Kings	
NAME	TELEPHONE NUMBER (Include Area Code)		
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEA/EPA)      LATEST (ALL)	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		October 11, 2012	
		<input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I have been employed by the FDNY as a firefighter since May 2003. I am African American. Since 2003, I have been a member of the Vulcan Society, a fraternal order of African American firefighters who are plaintiffs in <i>United States and Vulcan Society, et al. v. City of New York, et al.</i>, 07-cv-2067 (E.D.N.Y.), a class action lawsuit filed in 2007 against the FDNY for race-based discrimination. I am also a named plaintiff in that lawsuit. Our remarkable, and very public, success in that litigation has resulted in anger from some members and officers within the FDNY who disagree with the Court's findings of discrimination and oppose the relief being provided to black victims.</p> <p>FDNY personnel retaliated and discriminated against me by providing private, confidential, and damaging information about me to the New York Post and other media. In September 2012, I underwent a random drug test by the FDNY. In early October 2012, a notice from the FDNY was posted to the door of my home that stated that the results of the drug test were positive. Approximately one week later, on or around October 9, 2012, my attorney was called by a reporter from the <i>New York Post</i> and asked to comment on a story that was to be published about my positive drug test. On October 11, 2012 an article entitled, "Firefighter in court fight vs. FDNY suspended after positive pot test," which discussed both the results of the drug test and my involvement in the lawsuit was published in the <i>New York Post</i>. The article was reposted on a website called <i>the rant</i> under the title, "Active Fireman, a Plaintiff in Fed. Hiring Case, Suspended on Pot Test." The same day an article entitled, "NigNog Appointed to the FDNY by Court Order Suspended for Failed Test," was posted on a website called <i>Irate Irishman</i>. That story cited an FDNY document as its source of information. (Continued on page 2).</p>			
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 telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements)	
		COREY L. STORES Notary Public, State of New York Qualified in Queens County No. 01ST6228865 My Commission Expires 09-27-2014 	
		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.	
I declare under penalty of perjury that the foregoing is true and correct.		SIGNATURE OF COMPLAINANT	
Date		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	
7/26/13		26.07.2013	
Charging Party (Signature)		Charging Party (Signature)	

Kevin Simpkins EEOC Charge of Discrimination

Page 2

The publication of my personal information has hurt me in a variety of ways, including causing me emotional distress and damaging my reputation. In addition, around the time the articles were published, several reporters came to my home searching for me, disturbing members of my family. The articles continue to be publicly available. See

[http://www.nypost.com/p/news/local/lawsuit\\_fireman\\_slapped\\_BQM9kezEhkQqU6isUVmklL](http://www.nypost.com/p/news/local/lawsuit_fireman_slapped_BQM9kezEhkQqU6isUVmklL),

<http://theerant.yuku.com/reply/565429/-Active-Fireman-Plaintiff-Fed-Hiring-Case-Suspended-P#UfBEI23B98E>,

<http://irateirishman.com/blog/?p=15504>.

To the best of my knowledge, the FDNY has never identified or disciplined any of the FDNY employees involved in providing my confidential information.

# EXHIBIT B

---

In Matter of the Claim of  
**Kevin Simpkins,**

-against-

**The City of New York**

---

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2014 APR 15 PM 4:18  
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To: The Comptroller of the City of New York

**PLEASE TAKE NOTICE** that the undersigned claimant hereby makes the following claim and demand against you:

**1. *The name and post office address of the claimant and his/her attorney is:***

**Claimant:** Kevin Simpkins  
220-08 146<sup>th</sup> Avenue, Apt. 2  
Springfield Gardens, NY 11413

**Attorney:** Ghita Schwarz  
Center for Constitutional Rights  
666 Broadway, 7<sup>th</sup> Floor  
New York, NY 10012

**2. *The nature of the claim:***

Claims of injuries as a result of: (1) intentional infliction of emotional distress; (2) invasion of privacy; (3) defamation; (4) violation of rights under the New York City and State Human Rights Laws; and (5) violation of the Equal Protection Clause of the New York State Constitution, Article I, §11.

**3. *The time when, the place when and the manner in which the claim arose:***

The Fire Department of New York and its personnel released damaging information about me to the media in order to discriminate and retaliate against me for my participation as a named plaintiff in a class action lawsuit challenging racial discrimination in the FDNY. As a result, on January 16, 2014, reporters from the *New York Post* appeared at my firehouse and then went to my home in Queens, where they took a photograph of me without my permission, and on January 17, 2014, the *New York Post* published an inflammatory article about me entitled "Firefighter barred from driving FDNY van seeks disability pension after crash." The article, citing an "FDNY source" and an "FDNY official," described a serious car accident that happened in November 2013 in which I was driving an FDNY vehicle, and it falsely stated that I had been driving without permission. The information about the accident was known only to certain personnel within the FDNY. The article also states that as a result of my injuries, I was

seeking a disability pension, although in fact at the time I had not filed for any disability payments. The article points out that I am Black and a named plaintiff in a long-running and successful lawsuit against the FDNY for employment discrimination.

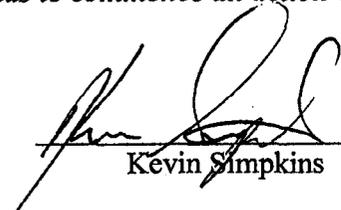
The article represents the second time in fifteen months that FDNY personnel have leaked damaging personal and confidential information about me to the press. On October 11, 2012, the *New York Post* published an article entitled "Firefighter in court fight vs. FDNY suspended after positive pot test: sources," which describes the results of a mandatory drug test that I had taken at the FDNY. The information about my drug test was confidential and known to only a few FDNY personnel. The October 2012 article, like the January 2014 article, cited an FDNY document and sources, yet after the first article was published, the FDNY failed to take action to ensure that discriminatory and retaliatory conduct against me would cease. The 2014 article repeats the information about my drug test results, and the 2012 article also describes my leadership role as a named plaintiff in the class action lawsuit against the FDNY for racial discrimination in firefighter hiring.

**4. *The items of damages or injuries claimed are:***

The FDNY's release of (1) my personal information and (2) erroneous information about me has injured me in a variety of ways: I suffered trauma, embarrassment, mental and emotional pain, humiliation, and damage to my reputation. I estimate my damages today are in excess of two million dollars.

***The undersigned claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless this claim is adjusted within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.***

Dated: New York, New York  
April 15, 2014

  
\_\_\_\_\_  
Kevin Simpkins

Verification

STATE OF NEW YORK )

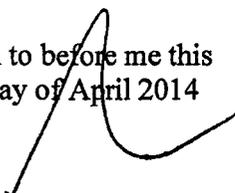
SS.:

COUNTY OF NEW YORK )

**Kevin Simpkins**, being duly sworn, deposes and says: I have read the foregoing notice of claim and know the contents thereof, that the same is true to my own knowledge, except as to matters therein stated to be upon information and belief, and that, as to those matters, I believe them to be true.

  
\_\_\_\_\_  
Kevin Simpkins

Sworn to before me this  
15 th day of April 2014

  
\_\_\_\_\_  
Notary Public

**ALEXIS AGATHOCLEOUS**  
Notary Public, State of New York  
No. 02AG6177956  
Qualified in Kings County  
Commission Expires November 19, 2015

# EXHIBIT C

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# Firefighter in court fight vs. FDNY suspended after positive pot test: sources

## Suspended for pot

By JAMIE SCHRAM, MITCHEL MADDUX and DAN MANGAN

Last Updated: 5:19 AM, October 11, 2012

Posted: 12:39 AM, October 11, 2012

**EXCLUSIVE**

He was riding high after a landmark federal-court victory — and then apparently got even

higher.

A black city firefighter who was one of the named plaintiffs in the bitter court fight to force the FDNY to hire more minorities has been suspended from duty after testing positive for marijuana, sources told The Post.

Firefighter First Grade Kevin Simpkins, 45, began his suspension without pay last Thursday, according to an FDNY document.

Simpkins' suspension is due to end on Nov. 2, the document said.

He then has been ordered "to report in dress uniform" to the FDNY's Bureau of Health Services on Nov. 5, and then to the Bureau of Investigation and Trials.

The document did not state the reason for the suspension — which will cost Simpkins about \$6,400 in salary, not including overtime he could have earned.

But sources said Simpkins' sanction stemmed from him failing a drug test that revealed he had marijuana in his system.

Simpkins is a member of the Vulcan Society, which represents black FDNY members.

He is also one of the few individuals named as plaintiffs in the lawsuit against the city in Brooklyn federal court that has compelled a redesign of the FDNY entrance exam and hiring process to get more minorities into the overwhelmingly white department.

The US Justice Department originally filed the suit, but the Vulcans and several individual members, including Simpkins, later intervened in the case as plaintiffs.

Last year, Judge Nicholas Garaufis, in a damning ruling against the city, said a special monitor was needed to make sure the FDNY takes steps to correct the racial imbalance in its ranks, where blacks account for just 3 percent of all firefighters.

The city is appealing the decision, which threatens to cost New York \$128 million in damages.

There was no answer when a reporter knocked on Simpkins' door last night, or when a call was placed to his home.

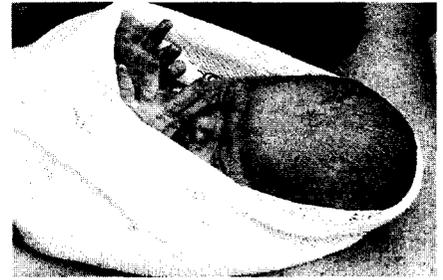
An FDNY spokesman declined to comment.

*Additional reporting by C.J. Sullivan*

[jamie.schram@nypost.com](mailto:jamie.schram@nypost.com)

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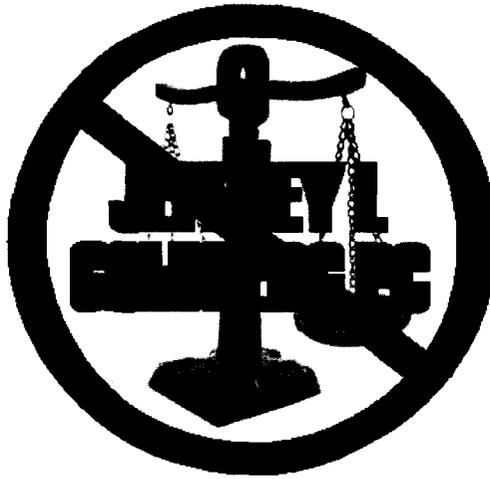
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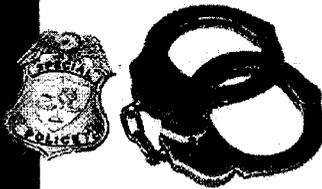
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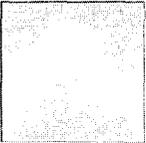
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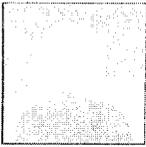
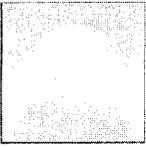
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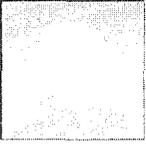
**Active Fireman, a Plaintiff in Fed. Hiring Case, Suspended on Pot Test**

Author	Comment
<a href="#">Prosay</a>	Active Fireman, a Plaintiff in Fed. Hiring Case, Suspended on <span style="float: right;">Lead [-]</span>

Author	Comment
<p data-bbox="154 275 305 327"><u>R.E.C. Tax Services.Ltd.</u></p> <p data-bbox="154 470 329 632"><u>Chet Lukaszewski, P.C. Disability Pension &amp; Personal Injury Lawyer</u></p> <p data-bbox="164 747 326 800"><u>ANZIOI IRON WORKS 50BMG</u></p> <p data-bbox="164 894 326 1010"><u>Little Shelter Animal Rescue &amp; Adoption Center 631-368-8770</u></p> <p data-bbox="164 1062 326 1115"><u>Wounded Warrior Project</u></p> <p data-bbox="164 1304 326 1325">SIDEGIG.COM</p>	<p data-bbox="656 163 748 191"><b>Pot Test</b></p> <p data-bbox="656 207 740 224">TAGS : None</p> <p data-bbox="656 239 951 289"><b>NEWYORKPOST</b></p> <p data-bbox="656 327 1463 428"><b>Firefighter in court fight vs. FDNY suspended after positive pot test: sources</b></p> <p data-bbox="656 464 1292 491">By JAMIE SCHRAM, MITCHEL MADDUX and DAN MANGAN</p> <p data-bbox="656 512 1052 539">Last Updated: 5:19 AM, October 11, 2012</p> <p data-bbox="656 560 1003 588">Posted: 12:39 AM, October 11, 2012</p> <p data-bbox="656 615 1443 667">He was riding high after a landmark federal-court victory — and then apparently got even higher.</p> <p data-bbox="656 695 1455 774">A black city firefighter who was one of the named plaintiffs in the bitter court fight to force the FDNY to hire more minorities has been suspended from duty after testing positive for marijuana, sources told The Post.</p> <p data-bbox="656 802 1419 854">Firefighter First Grade Kevin Simpkins, 45, began his suspension without pay last Thursday, according to an FDNY document.</p> <p data-bbox="656 882 1265 909">Simpkins' suspension is due to end on Nov. 2, the document said.</p> <p data-bbox="656 936 1398 989">He then has been ordered "to report in dress uniform" to the FDNY's Bureau of Health Services on Nov. 5, and then to the Bureau of Investigation and Trials.</p> <p data-bbox="656 1016 1455 1068">The document did not state the reason for the suspension — which will cost Simpkins about \$6,400 in salary, not including overtime he could have earned.</p> <p data-bbox="656 1096 1386 1148">But sources said Simpkins' sanction stemmed from him failing a drug test that revealed he had marijuana in his system.</p> <p data-bbox="656 1176 1455 1203">Simpkins is a member of the Vulcan Society, which represents black FDNY members.</p> <p data-bbox="656 1230 1455 1310">He is also one of the few individuals named as plaintiffs in the lawsuit against the city in Brooklyn federal court that has compelled a redesign of the FDNY entrance exam and hiring process to get more minorities into the overwhelmingly white department.</p> <p data-bbox="656 1337 1414 1390">The US Justice Department originally filed the suit, but the Vulcans and several individual members, including Simpkins, later intervened in the case as plaintiffs.</p> <p data-bbox="656 1417 1455 1497">Last year, Judge Nicholas Garaufis, in a damning ruling against the city, said a special monitor was needed to make sure the FDNY takes steps to correct the racial imbalance in its ranks, where blacks account for just 3 percent of all firefighters.</p> <p data-bbox="656 1524 1443 1577">The city is appealing the decision, which threatens to cost New York \$128 million in damages.</p> <p data-bbox="656 1604 1446 1656">There was no answer when a reporter knocked on Simpkins' door last night, or when a call was placed to his home.</p> <p data-bbox="656 1684 1065 1711">An FDNY spokesman declined to comment.</p> <p data-bbox="656 1738 1000 1766">Additional reporting by C.J. Sullivan</p> <p data-bbox="656 1793 911 1820">jamie.schram@nypost.com</p> <p data-bbox="656 1848 1357 1900">Read more: <a href="http://www.nypost.com/p/news/local/lawsuit_fireman_slapped_BQM9kezEhkOqU6isUVmIkL#ixzz28zVhwr84">http://www.nypost.com/p/news/local/lawsuit_fireman_slapped_BQM9kezEhkOqU6isUVmIkL#ixzz28zVhwr84</a></p>

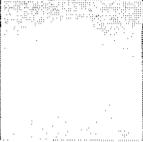
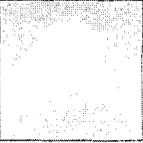
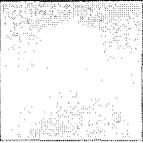
Author	Comment
Interact	<p>"Liberals claim to want to give a hearing to other views but then are shocked and offended to discover that there are other views." --National Review Founder William F. Buckley Jr. (1925-2008)</p> <p>The Schoolcraft Complaint v. The City of New York, Marino, Nelson, Mauriello, Lauterborn, <i>et al</i>: <a href="http://schoolcraftjustice.com/SchoolcraftAmended.pdf">http://schoolcraftjustice.com/SchoolcraftAmended.pdf</a></p> <p style="text-align: right;"><a href="#">Quote</a> <a href="#">Reply</a></p> <hr/> <p style="text-align: center;">Advertisement</p> <p style="text-align: center;">AdChoices </p> <p style="text-align: center;"><a href="#">Remove this ad</a></p> <p style="text-align: right;"><a href="#">Remove this ad</a></p>
<p></p> <p>RetPDDet</p> <p>Posts: 4074 Oct 11 12 7:22 AM</p>	<p style="text-align: right;">#1 <a href="#">[url]</a> <a href="#">[-]</a></p> <p><b>The exact scenario the FDNY was concerned about, has come TRUE...</b></p> <p>Another time were Life is stranger than Fiction, if you wrote a script that described this scenario. You would be maligned as a White Racist...! Some skell, some <i>pot head</i>, who probably had no initial desire to become a fireman, was propped up by Attorneys, who used the Federal Court System to create an aura of <b>Racial Bias in the FD</b>, and <i>poof</i>....</p> <p>Now You're a Fireman and now the entire <b>FD is weakened by liberals</b> once again using our laws <i>against our better interests</i>...</p> <p>NOW What? That ain't my shyte, <b>I was flaked</b>.....☹</p>

Author	Comment
<p>Interact <span style="float: right;"><a href="#">Quote</a> <a href="#">Reply</a></span></p> <p>⊙ <a href="#">mtnstpt</a></p>  <p>Posts: 4459 Oct 11 12 7:37 AM</p> <p>Interact <span style="float: right;"><a href="#">Quote</a> <a href="#">Reply</a></span></p>	<p style="text-align: right;">#2 <a href="#">[url]</a> <a href="#">[-]</a></p> <p>Active--I doubt this putz is an ACTIVE Ffer---most likely a Lazy POS---POTHEAD FFFFF HIM,,.But he will claim its the WHITEMANS FAULT,,</p>
<p>⊙ <a href="#">O A Fan</a></p>  <p>Posts: 1631 Oct 11 12 8:02 AM</p> <p>Interact <span style="float: right;"><a href="#">Quote</a> <a href="#">Reply</a></span></p>	<p style="text-align: right;">#3 <a href="#">[url]</a> <a href="#">[-]</a></p> <p>Plenty of land pirates like to dabble.</p> <hr/> <p>"The trouble with our liberal friends is not that they're ignorant: It's just that they know so much that isn't so." - Ronald Reagan</p> <p>"I have the agua."</p> <p>"Oderint dum metuant"!</p>
<p>⊙ <a href="#">Ft Z</a></p>  <p>Posts: 190 Oct 11 12 8:07 AM</p> <p>Interact <span style="float: right;"><a href="#">Quote</a> <a href="#">Reply</a></span></p>	<p style="text-align: right;">#4 <a href="#">[url]</a> <a href="#">[-]</a></p> <p>He has been ordered "to report in dress uniform" to the FDNY's Bureau of Health Services on Nov. 5, and then to the Bureau of Investigation and Trials where most likely he will be promoted to Chief of FDNY's Bureau of Health Services...lol</p> <hr/> <p>Fort Zinderneuf - Heroic Adventurs, Savage desert Tribesman, Men who laugh in the face of Death!</p>
<p>⊙ <a href="#">HAPD</a></p>  <p>Posts: 6219 Oct 11 12 8:12 AM</p> <p>Interact <span style="float: right;"><a href="#">Quote</a> <a href="#">Reply</a></span></p>	<p style="text-align: right;">#5 <a href="#">[url]</a> <a href="#">[-]</a></p> <p>A weri weri weri expensive spliff bruddah. Hope they sh*t cann his arse. Perhaps he can join obammas spliff post presidency crew in Hawaii?</p> <hr/> <p>"Give Me A Fast Ship For I Intend To Go In Harm's Way"</p> <p>During WWII no other Naval Unit eclipsed the record of the Little Beavers lead by Captain "31 Knot Arleigh Burke." There are Sailors and there are DESTROYER SAILORS. Fast sleek they seek out the enemy to engage at point blank range.</p> <p>"Neptune was God, Mahan his prophet, and the United States Navy the only true Church"</p> <p><small>Edited 1 time by <a href="#">HAPD</a> Oct 11 12 8:15 AM.</small></p>
<p>⊙ <a href="#">Santos</a></p>  <p>Posts: 2108</p>	<p style="text-align: right;">#6 <a href="#">[url]</a> <a href="#">[-]</a></p> <p>There are a ton of NYC FD employees that like to intoxicate themselves with illicit substances, especially cocaine. Ive seen it with my own eyes, very recently as a matter of fact. I went to a wedding with many off duty FF's there, and there was ALOT of jaw grinding going on. Its pretty pathetic. Im not a FF hater by any means, but this was nuts. Why is this guy not terminated outright? A-hole.</p>

Author	Comment
Oct 11 12 8:18 AM Interact	<i>Edited 1 time by <a href="#">Santus</a> Oct 11 12 8:20 AM.</i> <a href="#">Quote</a> <a href="#">Reply</a>
◉ <a href="#">Prosay</a>  Posts: 8585 Oct 11 12 8:19 AM	#7 <a href="#">[url]</a> <a href="#">[-]</a> <p>There was a time...a few fire commissioners ago....where a number of 'kids' coming on that job were caught on their post-probationary drug tests. A number of them were "legacy" kids, whose father, grandfather, uncle, etc were on the job. They were quietly put on "light duty" pending the next drug test, which some of them still failed. Some of them were then returned to "light duty" pending the NEXT drug test, all with a wink-and-a-nod from headquarters.</p> <p>This went on until Scoppetta became FC. He became aware of it when some kid's hook was looking for another routine "extension" for his kid's 3rd or 4th drug failure. Scoppetta then put an end to it, and had those on "light duty" terminated. To show that he meant business, Scoppetta fired the then-UFA prez's son.</p> <p>With that in mind, Cassano issued an order recently warning, in no uncertain terms, that no member of the FDNY, uniformed or civilian, shall "communicate" on behalf of anyone coming on the job for any reason.....</p> <p><a href="http://www.nyc.gov/html/f...2012/061_sup_46_2012.pdf">http://www.nyc.gov/html/f...2012/061_sup_46_2012.pdf</a></p> <p>All they would need, in this racial-charged atmosphere, is to have a white kid...or some white <i>kids</i>...getting that "wink and nod" from HQ for some transgression during the hiring process or during probation, while some black "candidate-failures" are dumped on the first try.</p> <p>But I'm sure there will be some who didn't see Cassano's order, and still "make a phone call..." That will be the next NY Post "Exclusive."</p> <div data-bbox="721 1171 1419 1302" style="border: 1px solid black; padding: 5px; margin: 10px 0;"><p>There are a ton of NYC FD employees that like to intoxicate themselves with illicit substances, especially cocaine. Ive seen it with my own eyes, very recently as a matter of fact.</p></div> <p style="text-align: center;"><i>"Idle Hands are the Devil's Workshop"</i></p> <p>"Liberals claim to want to give a hearing to other views but then are shocked and offended to discover that there are other views." --National Review Founder William F. Buckley Jr. (1925-2008)</p> <p>The Schoolcraft Complaint v. The City of New York, Marino, Nelson, Mauriello, Lauterborn, <i>et al</i>:</p> <p><a href="http://schoolcraftjustice.com/SchoolcraftAmended.pdf">http://schoolcraftjustice.com/SchoolcraftAmended.pdf</a></p> <a href="#">Interact</a>
◉ <a href="#">Lost Time Chart Day Va</a>	#8 <a href="#">[url]</a> <a href="#">[-]</a> <a href="#">Quote</a> <a href="#">Reply</a>

Author	Comment
 <p>Posts: 1555 Oct 11 12 8:23 AM</p> <p>Interact</p>	<p>prosay, i was reading your bullshit, and when i got about to the 2nd paragraph.... i looked up to see who wrote it and it was you. i skipped to the reply box.</p> <p>suck a dick.</p> <p style="text-align: right;"><a href="#">Quote</a> <a href="#">Reply</a></p>
<p>◉ <a href="#">Santos</a></p>  <p>Posts: 2108 Oct 11 12 8:28 AM</p> <p>Interact</p>	<p style="text-align: right;">#9 <a href="#">[url]</a> [-]</p> <p>I knew the UFA presidents son, and he deserved to be fired. He was an arrogant little prick. He crossed alot of people with his pompous BS. How many chances do you need to stop snorting cocaine??</p> <p style="text-align: right;"><a href="#">Quote</a> <a href="#">Reply</a></p>
<p>◉ <a href="#">snapoutofit</a></p>  <p>Posts: 578 Oct 11 12 9:08 AM</p> <p>Interact</p>	<p style="text-align: right;">#10 <a href="#">[url]</a> [-]</p> <p>There is ZERO tolerance in the FD for drug use. They have fired guys with 26 years otj. Let's see what they do with this skell? I hope he doesn't even have his 20, so he gets shiit. Karma Mottherfvcker!</p> <p style="text-align: right;"><a href="#">Quote</a> <a href="#">Reply</a></p>
<p><b>Advertisement</b></p> <div style="text-align: center;"><p><b>Free FICO Credit Score</b></p><p> <a href="http://www.myFICO.com">www.myFICO.com</a></p><p>Used by Over 90% of Lenders. Know Your FICO Credit Score Now!</p><p></p><p>AdChoices </p><p><a href="#">Remove this ad</a></p></div>	
<p>◉ <a href="#">WasInTheBag</a></p>  <p>Posts: 16408 Oct 11 12 9:37 AM</p>	<p style="text-align: right;">#11 <a href="#">[url]</a> [-]</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"><p>He has been ordered "to report in dress uniform" to the FDNY's Bureau of Health Services on Nov. 5, and then to the Bureau of Investigation and Trials where most likely he will be promoted to Chief of FDNY's Bureau of Health Services...lol</p></div> <p>Entirely possible except for the time frame. Give it 6 or 7 years.</p>

Author	Comment
<p data-bbox="386 352 459 373">Interact</p> <p data-bbox="386 394 496 415">NYCTPF</p>  <p data-bbox="386 594 565 646">Posts: 16180 Oct 11 12 9:45 AM</p>	<p data-bbox="662 163 1466 216">In the meantime he can organize and be president of the new NYFD "Choom Gang", a rising force in the public sector/political scene.</p> <hr/> <p data-bbox="678 268 1458 300"><i>"I didn't come all the way from Ireland to see my land pissed on by free grazers."</i></p> <p data-bbox="1377 359 1498 380">Quote Reply</p> <p data-bbox="1360 405 1498 426">#12 [url] [-]</p> <p data-bbox="662 443 1433 516">I thought the FD had a pot head farm i.e.,...where they would go to drink roundup, become de-weeded through porn hypnosis and then be replanted in another bed &amp; breakfast....</p> <hr/> <p data-bbox="678 579 1466 632">RARE FOOTAGE OF FED RESERVE CHAIRMAN BEN BERNANKE'S CHILDHOOD</p>  <p data-bbox="386 1213 459 1234">Interact</p> <p data-bbox="1377 1213 1498 1234">Quote Reply</p>
<p data-bbox="386 1262 594 1283">buffythewondercop</p>  <p data-bbox="386 1455 565 1507">Posts: 2303 Oct 11 12 9:55 AM</p>	<p data-bbox="1360 1262 1498 1283">#13 [url] [-]</p> <p data-bbox="662 1297 711 1318">F'em.</p> <p data-bbox="662 1356 1466 1430">Too many cops have died fighting the drug war for me to ever turn a blind eye to someone using cocaine. Especially if that someone wants to pull the old "we're all on the job" bs at a traffic stop.</p> <p data-bbox="662 1467 1304 1488">Now if only they would drug test teachers.... half of them would fail.</p> <hr/> <p data-bbox="662 1572 1344 1604">-- "Never love the job kid.. the job is a whore, she will never love you back"</p> <p data-bbox="386 1633 459 1654">Interact</p> <p data-bbox="1377 1633 1498 1654">Quote Reply</p>
<p data-bbox="386 1675 545 1696">WasInTheBag</p>  <p data-bbox="386 1871 505 1892">Posts: 16408</p>	<p data-bbox="1360 1675 1498 1696">#14 [url] [-]</p> <div data-bbox="719 1734 1417 1776" style="border: 1px solid black; padding: 5px;"><p data-bbox="727 1745 1369 1766">Now if only they would drug test teachers.... half of them would fail.</p></div>

Author	Comment
<p>Oct 11 12 9:57 AM</p> <p>Interact</p>	<p>I'd like to hear the argument for <b>NOT</b> drug testing teachers.</p> <p>After all, it's "for the children", right?</p> <hr/> <p><i>"I didn't come all the way from Ireland to see my land pissed on by free grazers."</i></p> <p style="text-align: right;">Quote Reply</p>
<p>⊙ <a href="#">syndicatep</a></p>  <p>Posts: 1586 Oct 11 12 10:09 AM</p> <p>Interact</p>	<p style="text-align: right;">#15 <a href="#">[url]</a> [-]</p> <p>There should be zero tolerance for illegal drugs for anyone getting a government check be it employment, or welfare or foodstamps or medicaid.</p> <p style="text-align: right;">Quote Reply</p>
<p>⊙ <a href="#">Santos</a></p>  <p>Posts: 2108 Oct 11 12 10:30 AM</p> <p>Interact</p>	<p style="text-align: right;">#16 <a href="#">[url]</a> [-]</p> <p>Teachers and FF's are by far the worst offenders, at least as far as the upper eschehon of city employees go. It is beyond my understanding as to why teachers arent drug tested.</p> <p style="text-align: right;">Quote Reply</p>
<p>⊙ <a href="#">Project Kid</a></p>  <p>Posts: 10146 Oct 11 12 11:06 AM</p> <p>Interact</p>	<p style="text-align: right;">#17 <a href="#">[url]</a> [-]</p> <p>There wouldn't be enough teachers left to man the lifeboats.</p> <p style="text-align: right;">Quote Reply</p>
<p>⊙ <a href="#">RetPDDet</a></p>  <p>Posts: 4074 Oct 11 12 11:14 AM</p> <p>Interact</p>	<p style="text-align: right;">#18 <a href="#">[url]</a> [-]</p> <p><b>BINGO..!</b> at what level could you enforce madatory Drug Testing for teachers?              ☹️</p> <p>Start at the Grade school level, they'd be no Teachers for our Children.              Start at the University level, they'd be no Teachers for our Teachers...!☹️</p> <p style="text-align: right;">Quote Reply</p>
<p>⊙ <a href="#">I can t means I won t</a></p>  <p>Posts: 4360</p>	<p style="text-align: right;">#19 <a href="#">[url]</a> [-]</p> <p>Failed drug test = Fired. period....</p>

Author	Comment
Oct 11 12 12:44 PM Interact	<a href="#">Quote</a> <a href="#">Reply</a>
◆ <a href="#">NYbronxPD</a>  Posts: 571 Oct 11 12 4:08 PM Interact	#20 <a href="#">[url]</a> <a href="#">[-]</a> <div data-bbox="717 310 1416 466" style="border: 1px solid black; padding: 5px;"><p><b>syndicatep wrote:</b></p><p>There should be zero tolerance for illegal drugs for anyone getting a government check be it employment, or welfare or foodstamps or medicaid.</p></div> <p>That statement should be a bumper sticker or a campaign slogan!</p> <a href="#">Quote</a> <a href="#">Reply</a>

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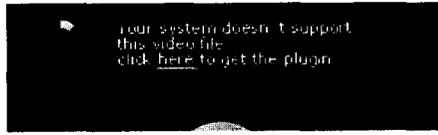
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## Irateirishman

"Just when you think niggers can't sink any lower, they manage to drain just a little more from the cesspool"

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### **NigNog Appointed to the FDNY by Court Order Suspended for Failing Drug Test**

October 11, 2012 [All](#), [Politics](#), [Pontifications](#), [Random Posts](#) 16 Comments



## Niggerfluxing the NYFD

How stupid can niggers be? Don't answer that; it was a rhetorical question. Nigger Kevin Simkins, 45, who failed the firefighters' exam, was a plaintiff in a landmark court case in Nig York City where the bleeding niggerloving/nigger-enabling libtarded federal judge, **Nicholas "Goofy" Garaufis**, ruled that the firefighters' exam was rayciss against dem niggers. Goofy determined that niggers would make good firefighters, and ordered that 40% of the new firefighters hired by Nig York City have to be niggers. He also ordered that Simkins be hired. It never occurred to dumbfuck Goofy that the problem lay in the niggers and not in the exam. Here's some food for thought for Goofy Garuaufis. I hope he googles his name occassionally and gets to this article, or that his colleagues that are fans of Irate forward this post to him—*nigknocker*

Nigger Kevin Simkins was riding high after a landmark federal-court victory — and then nigger regression set in and apparently he got even higher.

The nignog who was one of the named plaintiffs in the bitter court fight to force the FDNY to hire more niggers has been suspended from duty after testing positive for marijuana. The nignog came to work high as a kite and was suspended after he failed the drug test. Niggers have problems passing tests whether it is the firefighter's test for entrance into the department or a drug test.

Firenigger First Grade Kevin Simpkins, 45, began his suspension without pay last Thursday, according to an FDNY document.

Simpkins' suspension is due to end on Nov. 2, the document said.

He then has been ordered "to report in dress uniform" to the FDNY's Bureau of Health Services on Nov. 5, and then to the Bureau of Investigation and Trials.

The document did not state the reason for the suspension — which will cost Simpkins about \$6,400 in salary, not including overtime he could have earned. Irate's high level sources within the FDNY, however, confirmed that the reason for the suspension is the jig came to work stoned as a quarry and then tested positive for THC (marijuana). The FDNY lieutenant that Irate's reporter

consulted was initially adamant that Simpkins was not suspended for being a nigger. When confronted with the fact that no non-niggers in the FDNY have had this problem, and coming to work stoned and then testing positive for drugs was a niggerish thing to do, the lieutenant finally admitted that the jig was suspended for nigger behavior, and “in essence” for being a nigger, but not just for being a nigger.

Simpkins is a member of the Vulcan Society, which represents nigger FDNY members.

The jig is also one of the few niggers named as plaintiffs in the lawsuit against the City in Brooklyn federal court that has compelled a redesign of the FDNY entrance exam and hiring process to get more useless nignogs into the overwhelmingly white department.

The US Justice Department originally filed the suit, but the Vulcans and several individual members, including Simpkins, later intervened in the case as plaintiffs.

Last year, Judge Nicholas “Goofy” Garaufis, in a damning ruling against the City, said a special monitor was needed to make sure the FDNY takes steps to correct the racial imbalance in its ranks, where niggers account for just 3 percent of all firefighters. That’s 3% too many!!! All of these niggers that draw a paycheck from the FDNY are on disguised welfare whereby they get their gibsmemat through a paycheck instead of through the welfare rolls. It makes the welfare numbers look better, but the problem of useless niggers sucking off the gubbmint tit remains the same. These nigger firefighters are clueless when it comes to operating equipment more complicated than a fire axe, and they have no understanding of the theory behind putting out a fire, rescue, fire dynamics, etc. A white firefighter wishing to remain anonymous that was interviewed for this article said that he “is scared shitless working alongside niggers, but it’s not for the usual reason” [fear of getting your stuff stolen]. He explained that the firefighters are a brotherhood, and each one must depend on the others’ quick thinking in case of emergency to prevent injury or death to both the firefighters and the victims they save. “Now how are you going to trust a nigger [to do that]?” He did add that some of the niggers in his hose company “are as strong as gorillas, but just as dumb.” “If you tell them in exact terms where to move 500 lbs of equipment,

the superior strength groid can do it better than a white man, but he cannot move it on his own without being directed what to do and how to do it.”

The City is appealing the decision, which threatens to cost Nig York \$128 million in direct damages and countless more by having niggers failing at their jobs.

There was no answer when a main stream media reporter knocked on Simpkins’ door last night, or when a call was placed to his home. Irate’s reporters know enough to stay away from the niggerfluxed areas of the City. But the lack of the jig’s response to the reporter is understandable. The nigger was probably high on a mixture of weed, crack, fawties and purple drank. And dat beez da crack pipe o’ troof!

An official FDNY spokesman declined to comment. Can’t offend the niggers now, can we?

**ORIGINAL ARTICLE**

**PICTURE CREDIT**

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1. *saintwaynewilliams* says:  
October 15, 2012 at 7:20 pm

Thought those questions were easy for the nog

You are incorrect

The vulcoon tribes actually get the apelicants together for study sessions where they give the monkeys the answers To the test

And they still fuck it up

Log in to Reply



2. *starfish* says:  
October 13, 2012 at 6:44 am

They probably appointed this nigger to put out the fires started by appointed Post Office crack heads

who take our mail and burn in a pile rather than work and actually deliver it. And where is the Post Office these days after catering to lazy, shiftless pieces of shit all these years? It has gone the way of any other institution, business or city where niggers reside. In heavy debt and in ruins. By next year, mail may be obsolete. They will have niggers lined up like the Pony Express beating jungle drums to deliver messages. Any why? because its STILL cheaper than facing the massive lawsuits that always arise whenever a spook is fired.

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- *Brian damage* says:  
October 16, 2012 at 1:28 am

this was an issue when i was in the Army, The niggers could get promoted to E5 " Buck Sgt" but couldn't go higher because of reading requirements. So the ' Thin Black Line" formed and stopped people from being promoted because all the E5 slots were taken by niggers. The E6 and above began retiring and with no one qualified to take their position, it left us with a sever lack of leadership at the field level.

The Army instituted a new set of requirements that an E5 must be able to read at a 10th grade level, demonstrate their worth to the Army and be in a promotable status by 10 years of service. by the time the Gulf War of 90-91 was done, 75% of unworthy E5's were set on the street. i was promoted to E7 by my 8th year and I'm an E7P, ( promotable ) in the guard now, 21 years later..... LOL.

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- *starfish* says:  
October 16, 2012 at 4:41 am

They also could barely get through Boot Camp because niggers can't swim. They can't march either. I used to get stuck behind these niggers who

half danced, half marched and kicked their fuckin feet. If they comp[lained, they would have to get in the back because they would diddey bop and not march. And at least half of all the niggers within a year had some 'back pain' that could not be verified medically, but ended up with a medical discharge. Laziest fuckin things I ever saw. Niggers worked harder getting out of work than it would have taken to get the work done. Nigger mentality.

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3. *SteveM* says:  
October 12, 2012 at 7:42 am

The Vulcan Society? Right! Live long and prosper at taxpayers' expense. So now it has become illegal to discriminate on the grounds of incompetence, and NYFD will soon become like the Kenyan fire truck video on YouTube <http://www.youtube.com/watch?v=FQ0AELESETU>

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4. *boilermaker* says:  
October 11, 2012 at 8:25 pm

These are actual copied exact answers to the paraphrased question:  
Firefighters respond to a fire in a waste basket that is already put out. Select the best way to ventilate the bldg.:  
" A) Breaking out all the windows with a crowbar.  
B) Pulling down the ceiling with a six-foot hook.  
C) Cutting through the floors with an eight-pound axe. D) Manually opening all the windows and removing the screen."

Those are exactly the answers. And the exam beez rayciss' an SHEEeit. And this is a more "difficult" question. I mean, I could be a firefighter there NOW the questions are so dumb. I am amazed these firedumbanimals are getting in w/this nigger quota given all the facts and how easy prospective

fire dumb animals should find the exam.

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o  *victorian* says:

October 11, 2012 at 9:13 pm

Are you kidding? Nignogs are getting onto the fire department who are stumped by the above question? Amazing. My 8 year old niece would know this one.

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■  *Brian damage* says:

October 11, 2012 at 11:25 pm

unfortunately, that's no BS, they have had to lower the bar so far to meet quotas that questions like this are about as hard as it gets. Being a fire fighter use to mean being a consummate professional, a person of quality and a hero.

Now, it's been degraded to the ranks of every other civil servant and now good candidates don't even bother trying to sign on.

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■  *boilermaker* says:

October 12, 2012 at 12:00 am

Yeah vic & Brian, I honestly copied and pasted the answers exactly (unless my Droid is an NLLN and thwarted me, haha). Another question to paraphrase was/is on the "racist" exam is:

"At a car fire on the freeway, take the speed limit and multiply by 2 and to the [insert word for 'quotient' that is at 4th grade level] add 60. That is the number of feet in front of the fire to add flares. If a 40 mph x 2 = 80 + 60 =

140 feet flare placement in front of a car fire is an example, how far in front do you place flares in a 20 mph zone?

- A.  $\pi + \text{®}$
- B. Cat
- C. Dog
- D. 100 feet"

So that judge is a blue ribbon, gold medal nigger-lover.

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5.  *tsi2f2mu* says:  
October 11, 2012 at 8:24 pm

while the niggers are at your house to put out the fire, you will notice some of your shit ends up missing.

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6.  *boilermaker* says:  
October 11, 2012 at 4:50 pm

I just about pissed my pants laughing reading Irate's commentary (which is 100% accurate.) I agree that the smashnose feral sidewalk gibbons can swing a fire axe to destroy something in ways whites could only dream about. However the fact those are mesosphericly high and can't distinguish stock equipment from livestock means humans and animals will suffer more in fires. And our taxes will suffer waste.

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7.  *victorian* says:  
October 11, 2012 at 4:46 pm

A special monitor to enforce the hiring of niggers-- Outrageous! We need a special monitor to supervise these meddling apes! My personal, unbiased opinion regarding nignogs in the professional workforce is that they provide poor customer service, are generally rude to customers / public, and perform their duties at levels below

satisfactory. But the apes don't care, because they have affirmative action to protect them from being released for incompetency.

I just read the other day that Wash. St. University was importing hordes of niggers because the school was "too white." WTF? Niggers should be strictly prohibited from stepping foot onto a college campus. We need a Supreme Court that will recognize SEPARATE AND NOT EQUAL.

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o *boilermaker* says:

October 11, 2012 at 4:56 pm

Oh vic, I had a spearchucker at Starchucks in New Jersey giving me bootlip, no eye coontact, I politely repeat my "extra ice" request 3 polite times for my iced latté and the female blubberlip sayed "I gotsta pee" to a co-dumbanimal. So my drank bees wrong and I axed the barista for a re-make since it had no ice cubes and the dumb animal went from pre-militant to militant in an instant and realized it could not say I didn't axe for it and got pissed.

Because niggers abhor taking orders from other dumb animals or humans they are impossible to coontrol as dumbloyees. But I refuse to have my drink coontain the wrong thrice-called ingredients at 6 bucks. (6 dollars...not like 6 bucks as in feral, Mandingo yard ape bucks.)

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■ *victorian* says:

October 11, 2012 at 6:18 pm

Quite humorous. I hope this nigbucks apeployee was pressure washed before returning to the job. Really the only suitable job for a nignog in the coffee industry is picking coffee beans. Being a good barista is an art and takes talent,

as well as a cute smile—something an average shegroid lacks. But now they have automatic espresso machines (at places like McDonald's) so the nogs can just press a button and let the machine do its work.

I was just down at the pharamcy last weekend and the only technician on duty was a nignog. I repeated to the nog at least three times that I needed to pick up a script that had been backordered. He could do nothing more than mumble and stare in the opposite direction. Sure enough, 45 minutes later and it had not been filled.

Bottom line, wait for a white person if at all possible.

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- *boilermaker* says:  
October 11, 2012 at 7:18 pm

Oh unfortunately the female dumb animal returned as a bootlipsta at the Sbox. The dumb animals (obviously) were confounded with even a MODICUM of instruction or simple ideas. The next day at the hotel Sbox I axed for a quad venti EXTRA ICE caramel macchiato EXTRA ICE please w/extra ice. Of course I got a caramel monkeyato with 3 ice cubes and some bootlip sayed to me, "you bees wantin' me to poh out some an' add ice?!?" all militantly. No nigger, not at all nigger, I want you to not be militant (yeah, right) and listen to my thrice repeated request and not do normal dumb animal behavior and damage the product and be curt w/bootlip.

100% unemployable.

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8.  *Quotagate* says:

October 11, 2012 at 4:20 pm

Wonder how many people have and will be killed because a quota of niggers must be hired who can't even pass the firefighter's exam? I wonder if they are like the workers I've dealt with in the past hired on quota who know they don't have to do jack shit once hired and don't? I hope someone is filming the firefighters hired on quota so everyone can see what they are getting for their money.

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METRO

## Firefighter barred from driving FDNY van seeks disability pension after crash

By Kenneth Garger, Philip Messing and Bruce Golding

January 17, 2014 | 4:57am



Firefighter Kevin Simpkins, at his home Thursday, got into an accident with an FDNY vehicle - after being barred from driving it.

Photo: Matthew Mc Dermott

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A firefighter who failed a drug test and was barred from driving official vehicles took a spin in an FDNY van anyway and got into a serious crash — and is now seeking a tax-free disability pension, The Post has learned.

Kevin Simpkins was cruising through Brooklyn last Nov. 1 when he was T-boned by a just blocks from the FDNY headquarters, where he was assigned to the Photo Unit, sources said.

Simpkins, 46, returned to work for about a week, but then went out on medical leave, claiming he had suffered debilitating neck and shoulder injuries, sources said.

"They're trying to keep this hush-hush, because he

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claim he was 9/11 responder

wasn't supposed to be driving in the first place," one FDNY source said.

Simpkins, a 10-year veteran, is now angling for a disability pension that would pay him three-quarters of his salary tax-free, sources said.

He's been on modified duty since 2012, following a 30-day suspension without pay because he tested positive for marijuana.

"A lot of guys are up in arms that he went from the possibility of getting fired to maybe leaving on three-quarters disability," an FDNY official said.

A neighbor in Springfield Gardens, Queens, said Simpkins was spotted last week with his arm in a sling.

"He was walking kind of slowly, but he always walks slowly," the neighbor said. "He's a laid-back kind of guy."

The neighbor also said Simpkins questioned him about his own job during a conversation this past summer.

"I don't know if he was crazy about being in the Fire Department," the neighbor added. "He was looking to do other things, to make some more money. He was looking to see what he could do for the future."

Simpkins wasn't wearing the sling Thursday when he refused to answer questions about the crash, his injuries and his potential disability claim.

"I'm not at liberty to discuss all that with you," he said.

"This is an invasion of my privacy."

Simpkins, who is black, is among the named plaintiffs suing the FDNY for allegedly intentionally discriminating against minority applicants.

A Brooklyn federal judge ruled against the FDNY, but an appeals court booted him from the case, which is set for a nonjury trial before another judge in March.

Additional reporting by Reuven Fenton

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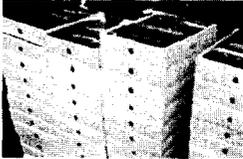
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