





Kentucky Commission on Human Rights

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Letter from the Commission Chair



KENTUCKY COMMISSION ON HUMAN RIGHTS

Steven Beshear Governor The Heyburn Building 332 West Broadway, 7th Floor Louisville, Kentucky 40202 Phone (502) 595-4024 Toll Free 1-800-292-5566 Fax (502) 595-4801 TDD (502) 595-4084 http://kchr.ky.gov

Honorable Governor Steven Beshear Esteemed Members of the Kentucky General Assembly Excellent Citizens of the Commonwealth of Kentucky

Dear Sirs and Madams:

It is with great pleasure that the Kentucky Commission on Human Rights hereby commends to you our 2007 Annual Report, which covers the period of July 1, 2006, to June 30, 2007. This span of time has encompassed several significant events and milestones in the functioning of the Commission.

John J. Johnson was appointed Executive Director of the Commission on August 23, 2007, to succeed Judge Linda Strite Murnane., who resigned from the Commission to accept an appointment with the United Nations War Crimes Tribunal. The Governor's Blue Ribbon Commission to study the Kentucky Commission on Human Rights completed its deliberations and filed its report in December 2006, just before the last General Assembly.

The Blue Ribbon Commission found that the Kentucky Human Rights Commission was operating efficiently, but that the agency's budget and number of staff were too small to address the number of cases the KCHR handles each year, and too small to effectively reach the 120 counties with education, outreach and training. As a result, the Blue Ribbon Commission recommended that the KCHR be allowed to continue on its present course, but with significant additional fiscal and monetary support from the Kentucky General Assembly.

This year, the KCHR voted unanimously to induct Abraham Lincoln, Sixteenth President of the United States, into the Kentucky Civil Rights Hall of Fame, while the Kentucky Lincoln Bicentennial Commission geared up to commence the Kentucky bicentennial celebrations planned during



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John J. Johnson Executive Director

Henry J. Curtis–Chair Frankfort

> Robert Asseo Florence

Henry L. Blythe Mayfeld

Duane Bonifer Greensburg

Rev. Thurmond Coleman, Sr. Louisville

> Betty J. Dobson Paducah

Robert S. Peters Lexington

Alma L. Randolph Owensboro

George McDade Staples Pineville

> Regena Triplett Pikoville

William H. Turner Lexington

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2008-2010 for this world famous son of Kentucky.

The Commission acted decisively in 2007 to increase its educational outreach programs for the dynamic influx of immigrant people living and working in Kentucky. The Commission has undertaken a planning process for the development of new tools such as a proposed Leadership Institute. This program would strive to promote and disseminate ideas that support democracy, equal protection of all citizens, diversity, and tolerance in the attitudes of Kentuckians for the 21st Century in order to counteract increasing incidents of hate crimes and hate related speech.

The Commission has renewed efforts to increase the number and vitality of the Local Commissions across the Commonwealth, which responsibility was mandated by the Kentucky General Assembly in the Kentucky Civil Rights Act.

In this report, you will notice that the work of the Commission is needed now as much as ever. This year the Kentucky Commission on Human Rights:

- Received 2850 phone calls and letters from people in Kentucky who were concerned they may have been victims of discrimination;
- Filed 423 complaints alleging illegal discrimination the highest number of complaints in the agency's 47-year history;
 - 40 of these concerned discrimination in housing,
 - 341 concerned discrimination in employment,
 - And, 42 were based on discrimination in public accommodations.
- Our investigative staff processed approximately 750 discrimination complaints by the end of this
 reporting year, and currently, our three attorneys are litigating 30 cases.

As a result of statistics like these, we are seeking additional funding from the legislature for new and expanded education and outreach programs to deliver to the 120 counties in the Commonwealth, a mediation unit to meet our contractual requirements with federal agencies for whom we try cases in order to bring in more funds to our budget, and to add personnel to our enforcement and other units.

It is evident that enforcement is not enough to end hatred and prejudice. We must be persuaded through education, dialogue and example that equal opportunity and diversity benefit not just a few people, but every person in our great state.

Kentucky needs the Kentucky Commission on Human Rights to have complete resources so that, with the ability to be our most effective, we can work to touch the hearts and minds of people through education and outreach. This will be a central key in ensuring that Kentucky is a peaceful, safe, and desirable place to live, work and raise our families.

Respectfully submitted,

ns furtis Henry J. Curtis Chair

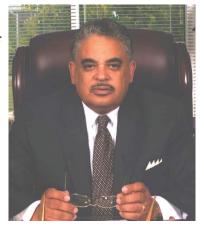
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Message from the Executive Director John J. Johnson

The 2007 Annual Report of the Kentucky Commission on Human Rights represents the excellent accomplishments of 33 dedicated staff members whose efforts I proudly recognize and applaud. This was an exciting and demanding year for the state agency that enforces the laws that prohibit discrimination.

Faced with a shortage of case investigators, a shortfall in the budget, and the resignation of the former executive director, the KCHR successfully handled a 47-year record number of new discrimination complaints and processed 743 cases for the people of Kentucky. The agency also worked hard with limited resources to conduct education and outreach to the 120 counties.



I arrived at the commission on Sept. 4, after the close of the reporting period of this annual report. On behalf of the KCHR staff, I would like to express appreciation to the former commissioners who served on the board during this reporting period ending June 30, 2007. This includes former Chair Priscilla Johnson whose leadership has helped carry the commission forward the last eight years with grace and accomplishment. We want to express our great appreciation to Executive Staff Advisor Cynthia Fox who handled with aplomb the responsibility of Acting Executive Director after the resignation of Ms. Murnane. Ms. Fox did an outstanding job as did the entire staff during this period. We thank former Executive Director Linda Strite Murnane for her accomplishments and wish her well as she continues on her path. Lastly, we welcome the new commissioners who joined us in September and congratulate our new chair, longtime Commissioner Henry Curtis.

As we move into 2008, and our state embraces new leadership, we have new hope for new challenges and new opportunities to help secure the future of Kentucky through equal opportunity and fair treatment. The population steadily grows with a wealth of diversity. We must be prepared with a society of acceptance and appreciation if we hope to be competitive in the changing world.

Therefore, we are asking for an increase in the next biennium budget, even in light of the current and critical constraints on the state budget. Kentucky's future depends upon this. Our young people – our future leaders – are depending on us.

I am proud and honored to lead the commission as it heads into the future. I am delighted to be back home in Kentucky.

Kentucky Pommission on Human Rights

Resolution

To All Whom These Presents Shall Come:

- WHEREAS, on September 10, 2007, Governor Ernie Fletcher signed Executive Order 2007-749 appointing seven new commissioners to the Kentucky Commission on Human Rights, and;
- **WHEREAS**, these new appointees replace seven outgoing commissioners who have served the Commonwealth with passion and dedication well beyond the three year term of service which they anticipated at the time of their appointment, and;
- **WHEREAS**, the commissioners and staff of the Kentucky Commission on Human Rights wish to recognize the tireless service and commitment of each of these commissioners, and;
- **WHEREAS,** each of the outgoing commissioners contributed in his or her unique way to the work of eradicating discrimination within the Commonwealth of Kentucky, and;
- **WHEREAS**, the Commission recognizes the leadership and boundless enthusiasm of Priscilla Johnson, who was appointed to chair the Commission in September, 1999, for an anticipated term of three years, but who in fact served the Commission as chair for eight years, and;
- **WHEREAS,** the Commission recognizes the alert awareness and experience of Richard Brown, who was appointed to the Commission in March, 2002, for an anticipated term of three years, but who in fact served the Commission for five and one half years, and;
- **WHEREAS,** the Commission recognizes the work and commitment of Ann Darragh, who was appointed to the Commission in September, 2003, for an anticipated term of three years, but who in fact served the Commission for four years, and;
- **WHEREAS,** the Commission recognizes the acumen and integrity of Louis J. "Todd" Hollenbach, IV, who was appointed to the Commission in October, 2002, for an anticipated term of three years, but who in fact served the Commission for five years, and;
- **WHEREAS,** the Commission recognizes the hundreds of hours of hearing officer work provided by Deborah Kent, who was appointed to the Commission in December, 1999, for an anticipated term of three years, but who in fact served the Commission for eight years, and;
- **WHEREAS,** the Commission recognizes the compassion and careful attention of Anita F. Simmons, who was appointed to the Commission in April, 2003, for an anticipated term of three years, but who in fact served the Commission for four and one half years, and;
- **WHEREAS,** the Commission recognizes the dedication and perseverance of Y. Denise Payne Wade, who was appointed to the Commission in December, 1999, for an anticipated term of three years, but who in fact served the Commission for eight years, and;

WHEREAS, the accomplishments of the Commission during the past eight years would not have been possible were it not for the contributions of the foregoing Commissioners.

NOW, THEREFORE BE IT RESOLVED,

The Kentucky Commission on Human Rights commends Priscilla Johnson, Richard Brown, Ann Darragh, Louis J. "Todd" Hollenbach, IV, Deborah Kent, Anita Simmons, and Y. Denise Payne Wade for their tireless service and commitment to the eradication of invidious discrimination within the Commonwealth of Kentucky.

BE IT FURTHER RESOLVED,

That a copy of this Resolution be presented to the Governor Ernie Fletcher and also spread upon the Minute Book of this Commission; and dated in Louisville, Kentucky this 19th day of September, in the year of Our Lord Two Thousand and Seven and in the 215th year of the Commonwealth.

John J. Johnson Executive Director

Henry Curtis Commission Chair





The Board of Commissioners



Chair Henry Curtis, Frankfort Representing the 5th Supreme Court District



Robert Asseo, Covington Representing the 6th Supreme Court District.



Duane Bonifer, Greensburg Representing the 3rd Supreme Court District.



Henry Blythe, Mayfield Representing the State-at-Large.



Thurmond Coleman, Sr. Louisville. Representing the State-at-Large.



Betty J. Dobson, Paducah Representing the 1st Supreme Court District.



Robert S. Peters, Lexington Representing the State-at-Large.



Alma L Randolph, Owensboro Representing the 2nd Supreme Court District.



William Turner, Lexington Representing the State-at-Large.



Gorge McDade Staples, Pineville Representing the State-at-Large.



Regina Triplett, Pikeville Representing the 7th Supreme Court District.

The 11-member Board of Commissioners is appointed by the Kentucky Governor. The members represent the state-wide population by Supreme Court districts.

The quasi-judicial board hears and rules on all discrimination complaints with the authority of a court of law

The Board of Commissioners

Robert S. Peters, of Lexington, is retired. Peters worked for nearly 30 years for Ashland Inc., serving the company in a variety of roles. From 1995 to 1998 he served as secretary of the Kentucky Personnel Cabinet and later served as executive director of the Governmental Services Center and special assistant to Gov. Paul Patton. He has served as a member of the Big Brothers, Big Sisters of the Bluegrass board and on the steering committee of the YMCA Black Achievers program. He represents the state at large on the commission. He replaced Priscilla Johnson of Lexington who was the outgoing chair of the commission. His term expires Sept. 12, 2009.

Alma L. Randolph, of Owensboro, is a human resource and community relations specialist for the city of Owensboro. She is also the city's EEO officer. Randolph, who is also a gospel singer, is the founder of the Alma Randolph Charitable Foundation, which provides clothing for disadvantaged children. She has served on the Owensboro Human Relations Commission. She is past president of Leadership Owensboro and a member of the United Way board and the Owensboro Rotary Club. In 1981, Randolph was elected to the Beaver Dam City Council, becoming the first black in Ohio County to be elected to public office. She is a graduate of Ohio County High School and attended Brescia University. She represents the 2nd Supreme Court District on the commission. Her term expires Sept. 12, 2009. She replaced Richard Brown of Owensboro.

Duane Bonifer, of Greensburg, is director of public relations for Lindsay Wilson College. Bonifer holds a bachelor's degree in journalism with a double major in political science from the University of Kentucky. He replaced Ann Darragh of Bardstown. He is married to Kelli Bonifer and represents the 3rd Supreme Court District on the commission. His term expires Sept. 12, 2009.

Robert Asseo, of Florence, a Delta Air Lines Cincinnati field service manager and the commission's first Latino board member, was re-appointed to continue to represent the Sixth District.



The Board of Commissioners. From Left to right are Dr. William Turner, Duane Bonifer, Alma Randolph, Rev. Thurmond Coleman, Chair Henry Curtis, Robert Asseo, Henry Blythe, and Robert Peters. Betty Dobson, George Staples, and Regina Triplett not shown.

The Foundation For a Prosperous Kentucky

Our Mandate by The Kentucky Civil Rights Act

"To safeguard all individuals within the state from discrimination because of familial status, race, color, religion, national origin, sex, age 40 and over, or because of the person's status as a qualified individual with a disability as defined in KRS 344.010 and KRS 344.030; Thereby to protect their interest in personal dignity and freedom from humiliation, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest which would menace its democratic institutions, to preserve the public safety, health, and general welfare, and to further the interest, rights, and privileges of individuals within the state."

Our Mission

To eradicate discrimination in the Commonwealth through enforcement of the Kentucky Civil Rights Act.

Our Vision

A Commonwealth united against discrimination. A Commonwealth united for equality.

The Foundation For a Prosperous Kentucky

The Kentucky General Assembly created the Kentucky Commission on Human Rights in 1960. Initially, the state government agency was instructed to encourage fair treatment and foster mutual understanding and respect, and to discourage discrimination against any racial or ethnic group or its members.

However, in 1966, the commission role expanded with the passage of the Kentucky Civil Rights Act (Kentucky Revised Statute [KRS] 344). This law made discrimination illegal on a state level, and it made the Kentucky Commission on Human Rights the statutory authority to enforce the law for the Commonwealth. Kentucky became the first state south of the Mason Dixon Line to make discrimination illegal.

With the 11-member board of commissioners, the executive director and 33 staff members, the agency receives, initiates, investigates, conciliates and rules upon jurisdictional complaints alleging violations of the Kentucky Civil Rights Act. Certified with substantial equivalency to the U.S. Department of Housing and Urban Development and the U.S. Equal Employment Opportunity Commission, the Kentucky Commission on Human Rights also enforces the policies set forth in The U.S. Civil Rights Act, The U.S. Fair Housing Act, The U.S. Americans with Disabilities Act and other federal civil rights laws.

KCHR is mandated by KRS 344 to educate members of the public about their rights under the law to live free from discrimination in Kentucky. The agency conducts a comprehensive program of education, training, outreach, partnerships, and public awareness initiatives to vigorously carry out this task.

We are proud of our achievements in human rights, which stretch over the last 47 years. With headquarters in Louisville and the Northern Kentucky office in Covington, the KCHR has opened doors of opportunity for thousands of people.

Enforcement and the Law

When The Kentucky Civil Rights Act was passed in 1966, it prohibited discrimination in the jurisdictions of employment and public accommodations against people based on the protected classes of race, national origin, color, and religion. In following years until, most recently in 1992, the General Assembly passed amendments that expanded the protected classes and jurisdictions under the law. As of today, The Kentucky Civil Rights Act protects people from discrimination based on the following:

Protected Classes

It is against the law to discriminate against people because of:

- Race
- Color
- Religion
- National Origin
- Sex
- Familial Status
- Disability
- Age (40 or over)
- Tobacco Smoker or Non-Smoker Status

Jurisdictions

People in Kentucky are protected from discrimination in the jurisdictions of:

- Employment
- Public Accommodations
- Housing
- Financial Transactions
- Retaliation

Employment

It is illegal for employers to discriminate based on race, color, religion, national origin, sex, disability, retaliation and age (40 and over). This applies in hiring, discharging, work conditions, union membership and advertising. Discrimination by employers against smokers or non-smokers is also illegal. The law applies to employers of eight or more people (15 in a disability claim), in employment agencies, labor organizations, licensing agencies, and the Commonwealth of Kentucky and its political subdivisions, including public schools.

Discrimination is defined in The Kentucky Civil Rights Act (KRS 344) as any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under this law.

Public Accommodations

It is illegal for public accommodations providers to refuse or deny the full and equal enjoyment of goods, facilities and accommodations based on race, color, religion, national origin, sex or disability. The law covers places that supply goods or services to the general public, such as restaurants and retailers; places that solicit or accept the patronage of the public; or places that are supported directly or indirectly by government funds.

Housing

Discrimination is illegal in the sale, rental, or financing of housing because of race, color, religion, national origin, sex, disability or familial status. The law covers financial institutions, real estate brokers, builders, operators, developers, insurance agents, owners or managers of rental units, and individual owners who place their property on the real estate market by advertising or displaying a notice.

Financial Transactions

The denial of credit or financing by a financial institution or person offering credit is illegal when based on race, color, religion, national origin, sex or disability.

Retaliation

It is illegal to coerce or retaliate against any individual who files a complaint with the Kentucky Commission on Human Rights.

The Enforcement Process

Filing a Complaint

A person who believes he or she has been illegally discriminated against may contact our office by phone, mail, e-mail, via our website or in person. This begins the complaint process. An intake or enforcement officer takes the complaint and asks questions.

Complaints must be filed on a timely basis. Complaints in public accommodations, employment, financial transactions and retaliation must be filed within 180 days of the incident. Housing complaints must be filed within 365 days of the incident. All complaints must be signed and notarized.

Conciliation

Our enforcement officers work to conciliate the complaint. Conciliation involves negotiating between the parties that have been charged with discrimination and the person(s) who made the complaint. Conciliation talks can lead to a settlement, which may include a monetary award.

Investigation

Once the complaint is filed, we undertake a thorough and impartial investigation. We conduct interviews and gather facts from the person making the complaint and those who have been charged with discrimination.

Findings

If, after investigating the complaint, the commission does not find evidence to support the complaint, the enforcement officer makes a no probable cause recommendation. The commission may dismiss the complaint.

The person who filed the complaint and those who have been charged with discrimination are notified.

When the evidence is strong enough to believe that illegal discrimination has probably occurred, a finding of probable cause is recommended.

Litigation and Administrative Hearings

If investigation leads to a probable cause recommendation, the complaint moves to the litigation phase.

Our staff attorneys work on behalf of the complainant to conciliate, persuade or litigate in matters concerning the discrimination complaint.

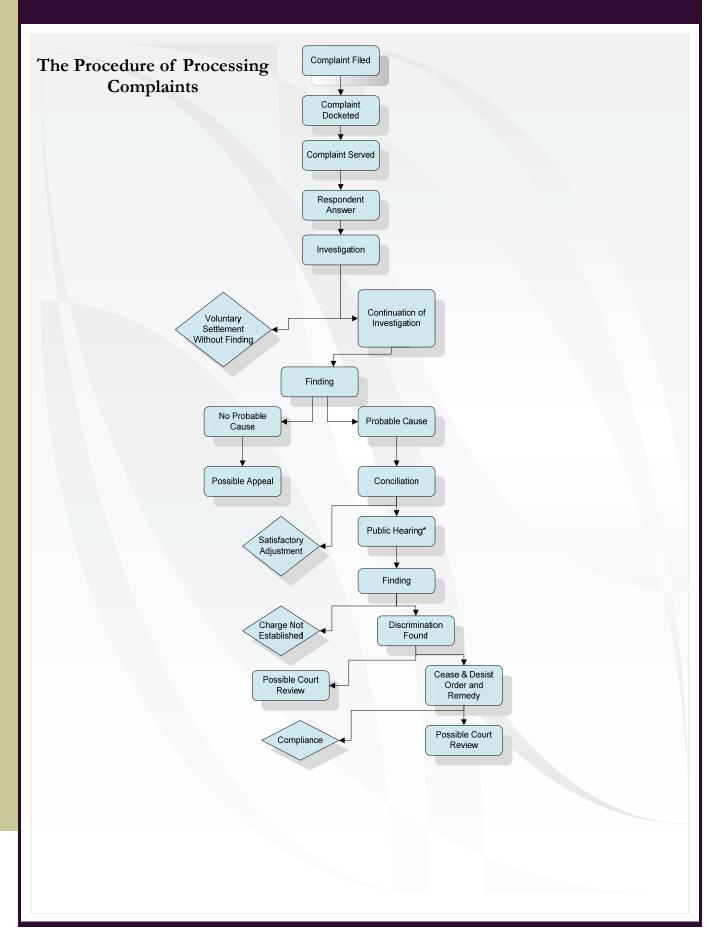
In the event that no conciliation settlement can be reached, the commission conducts a hearing. Attorneys in our office represent the person who is making the discrimination complaint and the agency at the hearing. Hearings are similar to civil trials.

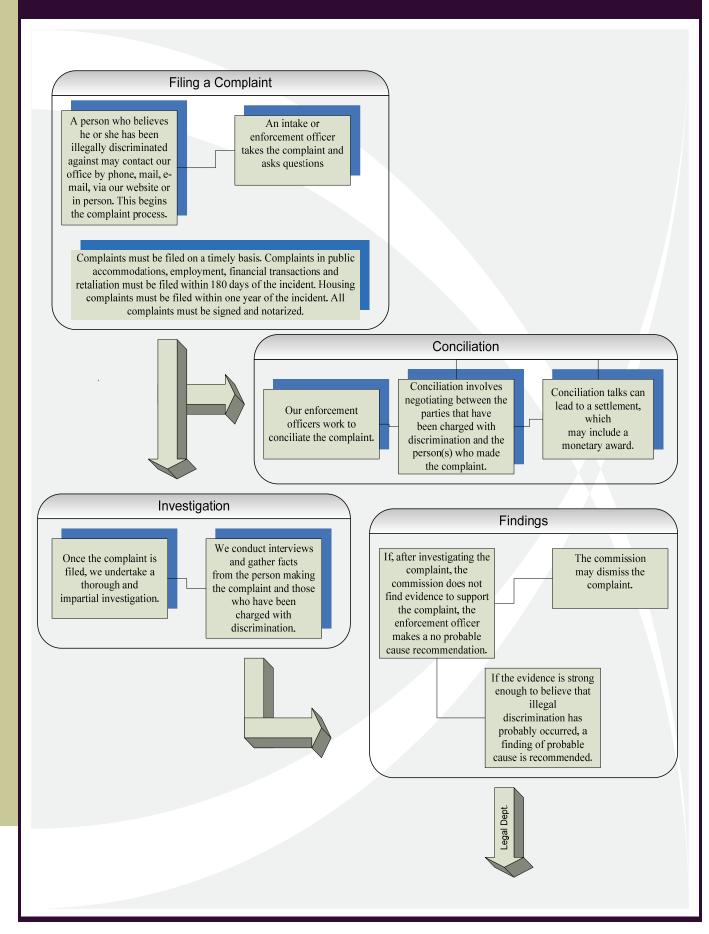
The evidence and testimony are presented at the hearing. Commissioners make a final determination.

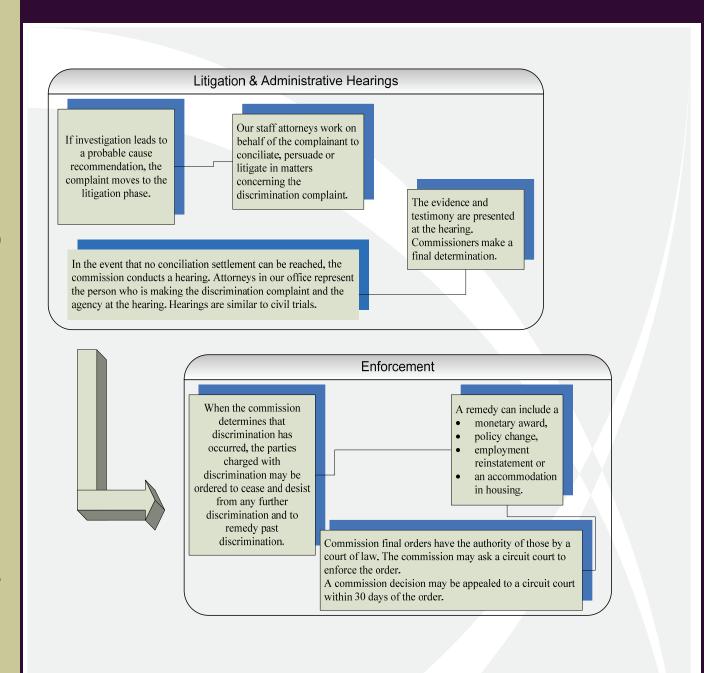
Enforcement

When the commission determines that discrimination has occurred, the parties charged with discrimination may be ordered to cease and desist from any further discrimination and to remedy past discrimination. A remedy can include a monetary award, policy change, employment reinstatement or an accommodation in housing.

Commission final orders have the authority of those by a court of law. The commission may ask a circuit court to enforce the order. A commission decision may be appealed to a circuit court within 30 days of the order.







Case Information

There were 423 discrimination complaints filed this year by the Kentucky Commission on Human Rights. Staff processed 2,843 intakes, communicating with people who were often concerned that they may have been victims of illegal discrimination in Kentucky, either in the jurisdictions of employment, housing, or public accommodations. Public accommodations are places like businesses, retail stores, restaurants, and so on.

Roughly one in every seven of this year's intakes resulted in a new discrimination complaint being filed by our state agency. The board of commissioners met monthly to hear and rule on complaints.

KCHR investigators processed 743 cases during the fiscal year of 2007. The average case age remained relatively the same as in 2006 in the jurisdictions of employment and public accommodations, about 210 days. In the jurisdiction of housing, there was an increase in the average case age from an average of 44 days in 2006, to 71 days in 2007. Although there was an increase in average case processing time due to personnel inexperience from changes the previous year, it is still well below the federally and state mandated processing time of 100 days or less for Housing complaints.

Enforcement and legal staff negotiated 31 conciliation agreements, which resulted in \$185,096.00 compensation for complainants as well as agreements by respondents to comply with the laws against discrimination, to undergo compliance training in many cases, and to undergo commission compliance monitoring. Twenty-five (25) of the conciliation agreements totaling \$159,830.00 were reached after the commission determined that there was probable cause to believe that discrimination had occurred, and the parties decided to conciliate for settlement rather than continue with litigation.

The commission found probable cause in another 17 cases that resulted in a transfer from the Enforcement Unit to the Legal Unit for litigation. If conciliation cannot be reached, then post-probable-cause cases are tried by KCHR attorneys before an administrative hearing officer or a Kentucky circuit court judge. Several of these cases are currently in litigation.

The agency maintains a successful federal government affiliation through partnerships with the U.S. Equal Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). KCHR staff this year completed 6, one-week sessions at the U.S. HUD National Fair Housing Training Academy in Washington D.C., using HUD funds, in order to meet its HUD requirements as Fair Housing law enforcement staff.

The Board of Commissioners By Jody Whitaker

New commissioners were appointed to the Kentucky Commission on Human Rights in September and October. All replaced commissioners whose terms expired. Three commissioners were re-appointed to continue service on the board.

Henry J. Curtis, of Frankfort, was reappointed as the commission's 5th Supreme Court District representative and designated as the group's chair. He is the deputy executive director of the Kentucky Office of Insurance. He received his master's degree in political science from the University of Illinois and his juris doctorate from the University of Louisville. He is a member of the New Horizon Full Gospel Missionary Baptist Church of Louisville, the JCTC Foundation Board, Yearlings Club Inc., Kappa Alpha Psi Fraternity, NAACP and the Frankfort Rotary Club. He is married to Gloria Curtis. His term expires Sept. 12, 2010.

Rev. Thurmond Coleman Sr., of Louisville, is pastor emeritus of First Baptist Church of Jeffersontown. A KCHR commissioner for the last several years representing the state at large, he has been appointed to serve on the board again, this time representing the Fourth Supreme Court District in Louisville and replacing Yvonne Denise Wade. He served as pastor of First Baptist for 45 years. He has served as vice president of the Louisville branch of the NAACP, chairman of the Louisville Urban League board, president of the Jeffersontown Association of Christian Congregations and chairman of the Joint Board of the Central District Association of Baptists in Kentucky. He is married to Cora Elizabeth Coleman and represents the 4th Supreme Court District on the commission. His term expires Sept. 12, 2008.

Betty J. Dobson, of Paducah, is cofounder and board member of the Upper Town Heritage Foundation, a nonprofit preservation organization. Dobson is president of the African American Preservation Association of Kentucky, which is made up of several preservation groups from the western Kentucky area. She is a graduate of Lyon County High School and attended Paducah Community College. She is married to George T. Dobson and represents the 1st Supreme Court District on the commission to replace Anita Simmons of Hopkinsville.. Her term expires Sept. 12, 2008.

Dr. William H. Turner, of Lexington, is the National Endowment for the Humanities Chair in Appalachian Studies at Berea College. He is a former interim president of Kentucky State University and former vice president for university engagement and associate provost for multicultural affairs at the University of Kentucky. Turner received a bachelor's degree in sociology from UK and a master's degree in sociology and doctorate in sociology and anthropology from the University of Notre Dame. He previously served as dean of the College of Arts and Sciences at UK. He is a member of the Trotter Group, a Harvard University based network of black journalists, and is married to Vivian Turner. He represents the state at large on the commission, and replaced Todd Hollenbach IV of Louisville. Turner's term expires Sept. 12, 2008.

Henry L. Blythe, of Mayfield, is the U.S. Postmaster for Boaz, in Graves County. Blythe is a graduate of Dunbar High School in Mayfield and a retired U.S. Air Force master sergeant. He is a former chair of the Mayfield Human Rights Commission and represents the state at large on the commission and replaces Deborah Kent of Louisville. His term expires Sept. 12, 2008.

Ambassador George McDade Staples, of Pineville, is retired. He is the former director general of the Foreign Service and director of human resources for the U.S. Department of State. From 1998 to 2001 he served as U.S. ambassador to Rwanda, followed by four years of service as U.S. ambassador to Cameroon and Equatorial Guinea. He held a number of assignments in the State Department, most recently serving as political advisor to the Supreme Allied Commander Europe at NATO in Belgium. He holds a bachelor's degree in political science from the University of Southern California and a master's degree in business from Central Michigan University.

He is married to Jo Ann Fuson Staples and represents the state at large on the commission. His term expires Sept. 12, 2010. He replaced Bonita Black, who was appointed to the Commission Sept. 10 but was unable to serve due to a professional conflict of interest.

NUMBER OF COMPLAINTS FILED July 1, 2006 to June 30, 2007

Туре	Last Year 2006	This Year 2007
Employment	297	343
Housing	30	37
Public Accommodations	56	43
Total	383 BASIS OF CASES FILED July 1, 2006 to June 30, 2007	423

Basis	Employment	Housing	Public Accommodation	Financial Transaction	Totals
Race & Color	159	12	22	0	193
Sex	84	4	3	0	91
Age (40+)	47	0	0	0	47
Religion	4	0	0	0	4
Disability	51	13	22	0	86
National Origin	20	0	10	0	30
Retaliation	34	5	0	0	39
Familial Status	0	6	0	0	6
Smoking	0	0	0	0	0
Totals	399	40	57	0	496

*Some complaints allege more than one basis of discrimination. Therefore, the total number of complaints filed does not equal the total number of basis for complaints filed.

NUMBER OF COMPLAINTS CLOSED July 1, 2006 to June 30, 2007

Туре	Last Year 2006	This Year 2007
No Probable Cause	209	300
Conciliation	45	6
Withdrawal	38	65
Withdrawal w/Settlement	25	26
Finding of Discrimination	2	1
PC Conciliation	10	25
Total	329	423

Case Studies

Pike Circuit Court Awards \$131,850 in Race-Motivated Arson Case

Pike Circuit Court Judge Steven D. Combs entered a judgment in favor of the Kentucky Commission on Human Rights on June 7, 2007 in a race-motivated arson case. The judge ordered \$131,850 be paid by the defendant, Bobby Gibson, Jr., in damages, attorneys' fees and a civil penalty. The court previously entered a default judgment against Gibson, finding that on March 12, 2005 Bobby Gibson, Jr. set fire to a jar containing accelerant and attempted to burn the home of Quintin Collins, Kurtis Ellison, and Michael Sheppard, three African American Pikeville College students. Judge Combs determined that the fire was set in an effort to coerce, threaten, and intimidate the students. The fire caused considerable property damage, and the students fled the property through a window and did not return.

The Kentucky Civil Rights Act and the federal Fair Housing Act expressly prohibit racially motivated acts of intimidation and violence that seek to interfere with a person's enjoyment of their housing. The Pike Circuit Court ordered Mr. Gibson to pay \$80,000 in actual and punitive damages to two of the college students, \$40,000 in a civil penalty to the Commonwealth of Kentucky, and \$11,850 in attorney fees.

Franklin Circuit Court Case Settled for \$20,000

On April 26, 2007, the Commission approved a conciliation agreement reached between the parties in a case that the Commission filed in Franklin Circuit Court. The circuit court action was filed on behalf of Tracy Thomas, Troy Thomas, and Virgie See against Marvin Duvall. Virgie See alleged that Marvin Duvall forced her family to move from his property after he learned that her daughter was dating a black man.

As a part of the conciliation agreement, Marvin Duvall paid \$20,000 to Tracy Thomas, Troy Thomas, and Virgie See. Mr. Duvall also agreed to receive training on the subject of fair housing law, to report to the Commission regarding the completion of this training, to post an Equal Housing Opportunity Notice on his property, and to distribute the Commission's fair housing pamphlet to each tenant at the time of rental.

Rowan Circuit Court Case Settled for \$10,000

On December 14, 2006, the Commission approved a conciliation agreement reached between the parties to a case that the Commission filed in Rowan Circuit Court. The circuit court action was filed on behalf of Steven and Shelley Green against Kathy Gray. Steven and Shelley Green alleged that Kathy Gray refused their request for permission to install a ramp that would allow Steven Gray access to the upper floor of a home they rented from Ms. Gray. Steven Green is disabled, and uses a wheelchair for mobility. The Greens also alleged that Kathy Gray sought to force them to move from her property after they requested permission to install a ramp. The Kentucky Civil Rights Act requires a property owner to permit "reasonable modifications of existing premises…if the modifications may be necessary to afford the full enjoyment of the premises." Real estate operators are prohibited from retaliating against tenants with disabilities who request reasonable modifications. As part of the conciliation

Case Studies

agreement, Kathy Gray paid \$10,000 to Steven and Shelley Green. Ms. Gray also affirmed that she no longer owns residential rental real estate within the Commonwealth of Kentucky, and that she will attend fair housing training and provide reports to the Commission if she acquires residential rental property within the next five years.

Waffle House Franchise with Accessibility Barriers Settles Case for \$10,000

On January 24, 2007, the Commission approved a conciliation agreement reached between Cathy Durbin and Freedom Waffles, Inc., a Waffle House franchise. In the complaint, Ms. Durbin alleged that the Waffle House located on Fern Valley Road in Louisville had no seating that would accommodate a wheelchair. She was seated in the narrow aisle, and was repeatedly bumped and jostled by Waffle House employees and customers.

The ADA and the Kentucky Civil Rights Act require public accommodations to comply with the Standards for Accessible Design. On June 9, 2006, Mr. Henry Gullett of the Kentucky ADA Coordinator's Office performed an inspection of the respondent's premises with the oversight of the State ADA Coordinator, Mr. Norb Ryan. He prepared a report indicating five violations of the ADA Architectural Guidelines (ADAAG), as stated in the ADA Title III Technical Assistance Manual.

The respondent sold the franchise before the settlement was reached, and asserted he had no control or authority over the premises to make modifications to the building to bring it into compliance with the ADAAG.

The Commission filed a second complaint against the new owner to ensure that the needed modifications will be made. This complaint remains pending. While the Commission could not force the former owner to modify the premises, the former owner was nonetheless liable to the complainant for the embarrassment and humiliation she suffered on October 28, 2005. To resolve this issue, the respondent agreed to compensate Ms. Durbin in the amount of \$10,000.

Kenton Circuit Court Conducts Bench Trial in Cross Burning Case

On May 15, 2007, a bench trial was conducted before Kenton Circuit Court Judge Patricia M. Summe in a case arising from a cross burning incident that occurred on July 2, 2004. Prior to trial, the Commission obtained default judgment or partial summary judgment against each of the three defendants: James D. Foster, Matthew T. Scudder and David Carriveau. The defendants did not contest the allegation that they conspired to trespass onto the Boone County home of an African American family in order to burn a cross and shout racial epithets. Two of the defendants returned on the following evening to vandalize the family's car. These actions were intended to intimidate the family. Not surprisingly, the family fled their home as results of these hate crimes. The purpose of the trial was to ascertain the amount of damages that should be awarded to the victims. A ruling is anticipated within the next few months.



What is Conciliation?

A conciliation is an agreement reached through KCHR negotiations between complainants and respondents in consideration for the full and complete resolution of all claims of alleged discrimination. The agreements do not represent an admission by any of the respondents of violations of the law. Furthermore, the respondents denied any violations of the law.

Louise Wisdom v. Asian Buffet of LaGrange Inc., in LaGrange: The complaint alleged discrimination based on disability in a public accommodations facility, a violation of the Kentucky Civil Rights Act (KRS 344.120) and the American with Disabilities Act. Ms. Wisdom, who uses the assistance of a service dog for her hearing disability, claimed the restaurant owner, Ms. Fei Quo Tang, refused to let Ms. Wisdom enter the restaurant with her dog. On March 29, 2006, the commission found probable cause to believe discrimination had occurred. The respondent denied all allegations of unlawful discrimination. The parties agreed to conciliate the matter rather than continue litigation. The respondent agreed to compensate the complainant in the amount of \$1,000, comply with civil rights laws, undergo civil rights compliance training, and provide a complimentary dinner at the restaurant for Ms. Wisdom and 14 people from Paws with Purpose, a local organization that provides training to service dogs. These individuals may bring their service dogs or service dogs in training.

Hazel Osborne v. Capital Investment Group, d/b/a Florence Carriage Houses, LLC in Florence, KY: The complainant alleged discrimination based on disability in housing, a violation of the Kentucky Civil Rights Act (KRS 344.360) and the Federal Fair Housing Act, as amended, 42 USC 3601 et. seq. Ms. Osborne, who is unable to climb stairs because of her disability, claimed the apartment owner, Capital Investment Group, d/b/a Florence Carriage Houses, LLC, charged her a lease termination fee when she ended her lease early and moved from her apartment due to her inability to climb the stairs into the apartment. The respondent denied all allegations of unlawful discrimination. During the course of investigation, the parties agreed to conciliate the matter and the respondent agreed to the following: to comply with fair housing laws, to refrain from seeking to collect a lease termination fee from the complainant, to send its managerial employees to fair housing training, to post the Commission's equal housing opportunity poster, and to distribute the Commission's fair housing pamphlet.

Anibal and Sheila Abrego v. Lorraine Rowe in Florence Kentucky: The complainants alleged discrimination in housing based on disability, a violation of the Kentucky Civil Rights Act (KRS 344.360) and the Federal Fair Housing Act, as amended, 42 USC 3601 et. seq. Mr. and Mrs. Abrego claim that they were asked to move by the respondent because her liability insurance was reportedly going to increase if she continued to rent to disabled tenants. The respondent denied unlawful discrimination. On

Conciliation Agreements

May 26, 2006, the commission found probable cause to believe discrimination had occurred. The parties agreed to conciliate the matter rather than continue litigation. The respondent agreed to compensate the complainant in the amount of \$2,500 and contact KCHR if she purchases any rental property within five years of this agreement. If she does purchase property within five years of this agreement, respondent agrees to attend one Fair Housing training session.

Lexington Fair Housing Council v. Newspaper Holdings Inc. d/b/a The Morehead News, in Morehead: The complaint alleged discrimination based on familial status in housing, a violation of the Kentucky Civil Rights Act (KRS 344.360) and the U.S. Fair Housing Act. The complainants alleged the newspaper published advertisements that were discriminatory. The newspaper denied all allegations of violations of the law and asserted the advertisements were accidentally placed by a new staff person, and that as soon as the mistake was realized, measures were taken to ensure compliance with the law. The respondent further asserted the ads did not forbid parents with children or pregnant women from applying for housing. The parties agreed to conciliate. The respondent agreed to compensate the complainant in the amount of \$2,000, undergo Fair Housing training, undergo commission monitoring for three years, and provide the commission advertising space to promote Fair Housing rights to the public for the next year.

Patricia Lockard v. Dr. Aaron Stewart, in Louisville: The complaint alleged discrimination based on disability in a public accommodations, a violation of the Kentucky Civil Rights Act (KRS 344.280) and the U.S. Americans with Disabilities Act, and retaliation (KRS 344.280). Ms. Lockard, who is deaf, alleged the doctor's office refused to schedule a sign language interpreter for her when her daughter phoned ahead to request one for Ms. Lockard's appointment. She filed a complaint as a result of the phone call a few days afterward. But, on the day of the appointment, the doctor did have a sign language interpreter for her. The commission investigation did find probable cause, however, to believe that the doctor retaliated against Ms. Lockard, because his records showed he sent a letter to her terminating their relationship because she threatened to take legal action if no sign language interpreter was provided. The respondent denied all allegations of unlawful discrimination. The parties agreed to conciliate the matter. The respondent agreed to compensate the complainant in the amount of \$1,000.

Thomas Steptoe v. Richard Breen Law Offices, in Louisville: The complaint alleged discrimination based on disability in a public accommodations, a violation of the Kentucky Civil Rights Act (KRS 344.280) and the U.S. Americans with Disabilities Act. Thomas Steptoe, who is deaf, alleged that the law office refused to give him a sign language interpreter for two meetings in 2003 and 2005, respectively. Mr. Steptoe alleged he had to pay for his own interpreter. The investigation found probable cause to believe discrimination occurred. The respondents denied all allegations of violations of the law. The parties agreed to conciliate the matter. The respondent agreed to compensate the complainant in the amount of \$130 (his out-of-pocket expense), provide the legal accommodations to people with disabilities when required, undergo civil rights training, and undergo commission monitoring for law compliance.

Conciliation Agreements

Robert D'Angelo v. University Physicians Associates Neurological/Orthopedics Clinic, in Louisville: The complaint alleged discrimination based on disability in a public accommodations, a violation of the Kentucky Civil Rights Act (KRS 344.280) and the U.S. Americans with Disabilities Act. Robert D'Angelo, who has hearing loss, alleged that upon his arrival to the respondent's clinic, he asked for a sign language interpreter, but staff said he didn't need one as he could clearly read lips. While in the waiting room, he said, he missed his turn because he couldn't hear his name being called. He said he returned to the counter to ask why his name hadn't been called only to learn that it had. This happened three times. Each time, he said, he reminded the staff member that he couldn't hear, and each time, she gave him an identical form to fill out, telling him to return to his seat until his name would be called again. Mr. D'Angelo said the entire waiting room became involved, with other patients waving and signaling to him when his name was called the fourth time. Meanwhile, for his visit with the doctor, a staff member volunteered a friend's daughter to interpret, who was not American Sign Language certified as required by law. University Physicians asserted Mr. D'Angelo had originally said he planned to bring an interpreter with him, but that his request for accommodation was fulfilled when the staff member's friend assisted. KCHR found probable cause to believe discrimination occurred. The parties agreed to conciliate. The respondent agreed to compensate Mr. D'Angelo in the amount of \$9,000, undergo civil rights training, and distribute and post civil rights information for clients.

Shameka Simmons v. McDonalds and Linda Marshall v. McDonalds, in Louisville: In two separate complaints, Ms. Simmons and Ms. Marshall alleged McDonalds discriminated against them based on race (black) in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040) and the U.S. Civil Rights Act. Both women said they received different treatment than white employees when their employer suspended them for using a racial slur against a white female employee, an allegation that both women denied. McDonalds denied the allegations of violation of the law and asserted it suspended the women because McDonalds has a "no tolerance" policy. KCHR investigation revealed that employees heard a white co-worker use a racial slur toward African Americans, and that the employer did not suspend her. The commission found that there was probable cause to believe discrimination occurred. The parties agreed to conciliate. The respondent agreed to compensate the complainants in the amount of \$5,000, each, to remove the disciplinary actions from the files, and to give them letters of apology. The respondent agreed to undergo civil rights compliance training and KCHR compliance monitoring.

Shane Thomson v. Forty Grand Office Property Owners Association Inc., West Shell Commercial Inc. d/b/a Grubb, and Ellis/West Shell Commercial, in Ft. Thomas: In three separate complaints, the complainant alleged discrimination based on disability in a public accommodations located at 40 N. Grand Avenue, in Ft. Thomas, Ky., a violation of the Kentucky Civil Rights Act (KRS 344.280) and the U.S. Americans with Disabilities Act. Investigation of these complaints resulted in determinations of probable cause to believe discrimination occurred, and the parties agreed to conciliate rather than pursue litigation. Shane Thomson, who uses a wheelchair, alleged the owners, managers and people leasing the building where his doctor's office is located, denied him equal enjoyment of the goods and services required at a place of public accommodations, as the property is inaccessible to wheelchair users. The respondents agreed to compensate Mr. Thomson in the amount of \$4,500, modify the premises to make it accessible to people with disabilities, and undergo monitoring with regard to compliance by the commission for three years.

Conciliation Agreements

Amber Wallace v. Neal Development d/b/a Days Inn (170 Toms Drive), in Morehead: The complaint alleged discrimination based on sex in the jurisdiction of employment, a violation of the Kentucky Civil Rights Act (KRS 344.040) and the U.S. Civil Rights Act. Ms. Wallace alleged her employer terminated her in May 2005 while she was on maternity leave. Her job performance had always been deemed satisfactory, she said. Investigation of the complaint resulted in a determination of probable cause to believe discrimination occurred, and the parties agreed to conciliate the matter rather than pursue litigation. The respondent denied all violations of the law. Neal Development agreed to compensate Ms. Wallace in the amount of \$5,000, modify its sick leave benefits to treat pregnancy and other related medical conditions like other illness in regard to impact on an employee's perceived ability to return to work, and to undergo civil rights compliance training.

Nichole Hezebicks on behalf of a minor v. J.A.M d/b/a Children's House Day Care Center at 303 Old Flemingsburg Rd., in Morehead: The complaint alleged discrimination based on disability in the jurisdiction of public accommodations, a violation of the Kentucky Civil Rights Act (KRS 344.280) and the U.S. Americans with Disabilities Act (ADA). The investigation of this case resulted in a determination of probable cause to believe discrimination occurred, and the parties agreed to conciliate rather than pursue litigation. The complainant alleged her minor child was treated differently from children without disabilities who are under the care of the business by taking his walker away as part of a time-out punishment. The respondents denied any violations of the law. The respondent agreed to compensate the complainant in the amount of \$2,000, and to undergo compliance training.

Lexington Fair Housing Council v. Jim Thomas d/b/a Northern Kentucky Classifieds, in Ft. Mitchell: The complaint alleged discrimination based on familial status in the jurisdiction of housing, a violation of the Kentucky Civil Rights Act (KRS 344.60) and the U.S. Fair Housing Act. The complainant alleged that the respondent published on its website a discriminatory advertisement denying the right to fair housing to people with children. The respondent denied knowledge of the responsibility to be aware of clients placing discriminatory ads on his site. The parties agreed to conciliate the matter. Mr. Thomas agreed to compensate the complainant with \$100 worth of website design services, pay the complainant \$100, and undergo compliance training and compliance monitoring by the commission.

Scott Meadows v. Marathon Petroleum and Speedway Super-America, in Lexington (Store #9596 at 246 Southland Dr.): The complaint alleged discrimination based on disability in the jurisdiction of employment, a violation of the Kentucky Civil Rights Act (KRS 344.040) and the U.S. Civil Rights Act. Mr. Meadows alleged his employer terminated him because of a disability that restricts him from walking or standing for long periods of time. The respondents denied unlawful discrimination and asserted they fired Mr. Meadows because of a personnel issue. The Commission's investigation resulted in a determination of probable cause to believe discrimination occurred, and the parties agreed to conciliate the matter rather than pursue litigation. The respondent denied all violations of the law and agreed to compensate Mr. Meadows in the amount of \$3,500, and to undergo civil rights compliance training.

Conciliation Agreements

Peggy Ward v. JASN, LLC., in Owensboro: Peggy Ward alleged that she was discriminated against on the basis of her age (over 40) in employment, a violation of the Kentucky (344.040) and the U.S. Civil Rights acts. She alleged the respondent terminated her and said he needed someone younger. The investigation revealed that two witnesses overheard the manager tell the complainant that he needed someone younger who could do the bending and lifting he needed. The commission staff found there was probable cause to believe that discrimination had occurred. The parties agreed to conciliate rather than pursue litigation. The respondent compensated Ms. Ward in the amount of \$1,700, and agreed to undergo training and monitoring for compliance by the commission.

Lacy Sherrill and on behalf of her Minor Child, B.N. v. Helen Hite d/b/a Hite Properties LLC., in Salt Lick: Lacy Sherrill on behalf of her minor child, B.N., alleged they were discriminated against in violation of the Kentucky Civil Rights Act (KRS 344.360 and KRS 344.280). The complainant alleged that Helen Hite d/b/a Hite Properties refused to rent them an apartment because of the minor child's race, African American. The complainant alleged that the respondent originally agreed to rent to her and her daughter, but refused to do so when she met them in person and noticed that her daughter was African American. The respondent denied all allegations of unlawful discrimination. The commission staff found there was probable cause to believe discrimination had occurred. The parties agreed to conciliate the case rather than pursue litigation. The respondent agreed to compensate the complainants in the amount of \$3,000, attend fair housing training and undergo commission monitoring for compliance.

Joyce Williams v. Richard E. Myers and Philip R. Lewis, Partners, d/b/a Laurel Run Management Group, Salt Lick: The complainant alleged she was discriminated against, in violation of the Kentucky Civil Rights Act (KRS 344.040) and the U.S. Civil Rights Act, based on sex. She said that Richard Myers flirted and made sexual comments, and that when she told him to stop, he continued. He then requested she do maintenance work or she would be discharged, she said. She then felt forced to resign her job, she said. The respondent denied all allegations of unlawful discrimination and asserted that Mr. Myers did not subject the complainant to sexual comments and references. The respondent asserted that the complainant never reported any inappropriate behavior to her direct supervisor. The respondent asserted when the complainant left a voice mail message resigning her job, the supervisor called her and requested that she return to work. However, the complainant refused to return. The investigation revealed that a maintenance man overheard Mr. Myers asking the complainant to meet him, and that he heard her refuse. The investigation revealed that several other female employees resigned because of Mr. Myers sexual advances. The commission found probable cause to believe discrimination had occurred. The parties agreed to conciliate rather than pursue litigation. The respondent compensated Joyce Williams in the amount of \$5,000 and agreed to undergo training and KCHR monitoring for compliance.

Black v. Spence Property Management, LLCl, in Bowling Green: The complainant alleged she was discriminated against, in violation of KRS 344.360 and the federal Fair Housing Act. The complainant alleged she contacted the respondent's property management office to rent a two-bedroom townhouse for herself, her husband, and her twin two year-olds. The respondent's employee informed her that she could not rent a two-bedroom unit due to the respondent's maximum occupancy policy that rental of its units is limited to two people for a one-bedroom unit, three people for a two-bedroom unit, and four

Conciliation Agreements

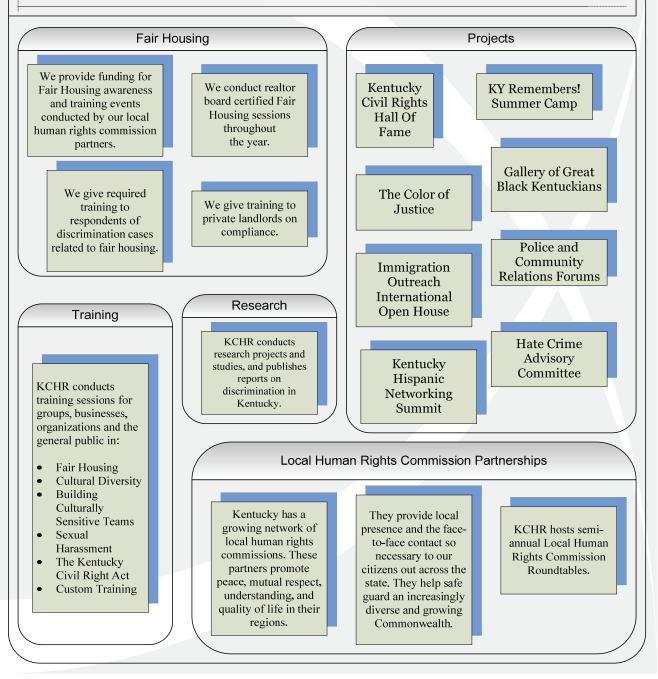
people for a three-bedroom unit. The Lexington Fair Housing Counsel conducted testing of the respondent's rental practices and confirmed the respondent used such a policy. The respondent admitted during the investigation that it used this policy. The Kentucky Civil Rights Act and federal Fair Housing Act prohibit discrimination based on familial status. These statutes prohibit maximum occupancy policies that prohibit families from living in certain units without regard to the square footage of the unit. The respondent denied any and all allegations of unlawful discrimination. The commission found probable cause to support the complainant's claim and the parties agreed to conciliate rather than continue with litigation. The respondent compensated the complainant in the amount of \$5,000 and changed company policy to comply with the law.

Gaddie v. Regis Corporation d/b/a SmartStyle, in Louisville: Netausha Gaddie alleged she was discriminated against in violation of the Kentucky Civil Rights Act (KRS 344.120) based on race, when the respondent charged her a different price than listed for salon customers. The complainant alleged that when she questioned the salon manager over the telephone the following day about the price she was charged on her first visit to the salon, she was told the prices on the price list were for Caucasian clients. She said, that later, the respondent's corporate office told her the prices were not based on race. On a second visit, the higher price was charged to her again. Although the complainant alleged she did not receive any special services from the salon, the respondent agreed that normally before a stylist begins working on a client's hair, they discuss the services requested by the client and the products to be used and both parties are in agreement before services are rendered. Prior to completion of the investigation, the parties agreed to conciliate the matter. The respondent agreed to compensate the complainant in the amount of \$1,500, and undergo compliance training and monitoring by the commission.

Education & Outreach

Research & Information

Sharing information and raising awareness are essential to eradicating discrimination. To accomplish our objectives, The Kentucky Commission on Human Rights uses the tools of education, outreach and partnership networking. We work to reach people on a statewide basis about their civil rights, the responsibility of every citizen to comply with civil rights laws, and the benefits to all of equality and opportunity.



Kentucky Commission on Human Rights



The Carter G. Woodson Human Rights Heritage Program

With the help of grant money, KCHR launched the first Kentucky Remembers! Carter G. Woodson Human Rights Heritage Project this summer. It was named to honor the legacy of the legendary Kentucky human rights advocate who was the genesis of the U.S.

Black History Month and who asserted as early as 1933 that to revolutionize the American education system, "truth must be dug up from the past...and then [told] through stories and dramatizations that will permeate our educational system."



The mission of the project is to support a statewide commitment



Kentucky Remembers! Summer Camp in Murray/ Paducah

to preserving and teaching the history of diverse human rights struggles in the state while building youth leadership. Seven camps across the state allowed youth participants to document the diverse, but intertwined regional histories of the Commonwealth's struggle for civil rights through interviewing, arts, photogra-

phy and technology. Each participant experi-

enced Kentucky Remembers! in a different way. All of the camps were unique and rewarding in countless ways. Through Kentucky Remembers!, the oral histories of more than 60 human rights advocates across the state were recorded. Over 100 youth were introduced to the importance of civil and human rights; and over \$30,000 given out in scholarship money; and so much was learned through the kids' personal stories of struggle and hope in Kentucky's local communities. Just as importantly, many lives have been changed. The next phase of this project is being developed for 2008.



Kentucky Remembers! Summer Camp in Covington

The Color of Justice

On September 30, 2006, KCHR held the Color of Justice Program at the Northern Kentucky University Salmon P. Chase College of Law in Highland Heights, Ky. Over 75 people attended. The National Association of Women Judges (NAWJ) launched its first *Color of Justice* program in St. Louis Missouri, in August 2001. Since that time NAWJ members have held *Color of Justice* programs across the United States, including in California, New York, New Jersey and Wisconsin.

The purpose of the *Color of Justice* program is to encourage minority students in eighth through twelfth grades to consider the law and judgeships as career goals. The program focuses on career preparation through panel discussions with judges and lawyers, law students sharing personal and professional insights, and small group discussions during a working lunch session. The one-day program provides an environment where discussion and debate among participants can flourish.



Middle and high school students at the Color of Justice Program

Upon completion of the program, the participants:

- Are motivated to pursue a career in the law and the judiciary;
- Can identify the academic requirements and skills needed to be successful in a career in law and the judiciary;
- Understand the importance of the personal commitment, passion, and perseverance needed to achieve a career goal;
- Understand the Judicial Branch of government;
- Can understand the role of judgeship.

The Color of Justice and Safety On November

13, 2006, with the Eastern Kentucky University (EKU) College of Justice and Safety in the lead, KCHR assisted in bringing a newly-invented version of The Color of Justice. It was tailored by the EKU College of Justice and Safety Dean, Allen Ault, his faculty, and the KCHR to meet the needs of the university. The Color of Justice and Safety Day drew 150 regional high school students interested in careers in criminal justice and law enforcement, corrections and juvenile justice, fire and safety, emergency medical care, and assets protection and security.



COLOR OF JUSTICE PROGRAM: THEN COMMISSIONER DEBORAH KENT AT A BREAKOUT DISCUSSION

The Color of Education

On April 28, 2007, KCHR produced the Color of Education Program at Georgetown College. There were 17 students and 19 parents in attendance. This program is an off-shoot of the KCHR Color of Justice Program that was created by the National Association of Women Judges.

As Kentucky's population becomes more culturally diverse, it is important that the teachers in our public schools reflect that diversity. The goal of Color of Education is to encourage minority students to consider careers in the education field. This program is only one phase of a KCHR initiative to increase teacher diversity.

Through this program works to:

- Identify, recruit and support students who may be interested in exploring careers in education;
- Reach out to students who are ethnically, racially, linguistically and culturally under-represented in the teaching profession. This includes students with special needs and students from low-income backgrounds;
- Prepare students to become the next generation of Kentucky teachers;
- Develop a strong community focus and involvement;
- Target student advocates (including, but not limited to parents, churches, youth groups;
- Educate parents about how to get students involved; and
- Assist in helping schools from mentorship programs.



The Audience



Color of Justice at the University of Louisville, Brandies School of Law

Gallery of Great Black Kentuckians

The state human rights commission introduced the Gallery poster and bookmark series in 1970, to recognize the achievements of African Americans neglected in traditional histories of the state and to introduce Kentucky black history into classrooms. The series helps the commission in its task to raise awareness of civil rights in the Commonwealth. Educators and libraries use the colorful, biographical-style pieces as teaching tools. Free posters and bookmarks are available to the public.

The 42nd Great Black Kentuckian Benjamin F. Shobe

Benjamin F. Shobe is a retired Kentucky circuit judge and civil rights attorney who served as a counselor to Lyman T. Johnson in the lawsuit that forced the University of Kentucky to integrate. Shobe served on the Jefferson County Circuit Court bench from November 1977 until his retirement in January 1992. This accomplished trial attorney and pioneering judge was the son of educators born in Bowling Green, Kentucky on October 2, 1920. Shobe received a bachelor's degree from Kentucky State College in 1941 and his Law degree from the University of Michigan School of Law in 1946.



Shobe had wanted to attend the University of Kentucky or University of Louisville Law schools, but blacks were not allowed to attend graduate or professional schools in the state of Kentucky at that time. Kentucky paid Shobe's tuition at the University of Michigan under the Anderson-Mayer Bill. This bill paid tuition for black students to attend out of state schools to pursue educational opportunities that were offered only to white students in Kentucky.

In 1946, Shobe began his career in Kentucky. Before becoming a judge, he was an accomplished trial attorney, who in 1949, participated with Justice Thurgood Marshall, James Nabritt, and James A. Crumlin in the celebrated higher education desegregation case of *Lyman T. Johnson v University of Kentucky*. This successful lawsuit ended segregation at the University of Kentucky graduate schools and forced them to admit minorities to its graduate and professional schools.

On January 6, 1953, Shobe became the first African American since Reconstruction to serve on the circuit court in Kentucky. In 1976, Governor Julian Carroll appointed Shobe to the 15th Division of the Jefferson Circuit Court where he served until his retirement in 1992. For two of those years, Shobe was the first ever African American chief judge of the Jefferson Circuit Court with its 16 divisions.

In 2006, The Louisville Bar Association and the Louis D. Brandeis American Inn of Court, a Louisville association, developed the Judge Shobe Civility and Professionalism Award to recognize Louisville Bar Association members "whose lives and careers embody professionalism, civility, honesty and courtesy" – all trademarks portrayed by Shobe throughout his career, association officials said. When asked about the many obstacles in his path that he overcame throughout his life, Shobe is quoted as saying: "I was always willing to try. I was never going to back down. I was willing to take the challenge, win, lose, or draw." Currently Judge Shobe is an Alternative Dispute Resolution Specialist with the Retired Judges and Associates.

Gallery of Great Black Kentuckians

The 43rd Great Black Kentuckian Nellie Conley

Nellie Conley, whose stage name was Madame Sul-Te-Wan, was a pioneering stage and film actress who became one of the most prominent black performers in Hollywood during the silent era, with a career that spanned more then seven decades.

The Louisville native is best known as the first African American actress who, in 1915, was contracted to appear in one of the most controversial films in American Cinematic history, D. W. Griffith's ground-breaking, *Birth of a Nation.*

Young Nellie's interest in performing was awakened when, as a young girl, she delivered laundry for her mother's business to Louisville's Buck-



ingham Theater. There the white actresses, her mother's customers, often invited Conley to watch the shows. Quietly, she studied the entertainers: their dance steps, vocal mannerisms and routines. The following day, young Conley rehearsed the latest act in front of classmates, vowing that, she too, would be an actress, someday.

Throughout the 1920s, Madame Sul-Te-Wan established herself as a publicly recognizable character actress, most often appearing in "Mammy" roles alongside such popular actors of the silent film era as Tom Mix, Leatrice Joy, and Mae Marsh. Some of her most memorable roles of the era were in the 1927 Buster Keaton comedy, *College*, and in the 1929 Erich von Stroheim-directed drama, *Queen Kelly*, starring Gloria Swanson.

As a black woman in the period of segregation, Conley was consistently limited to roles as minor characters who were usually convicts, native women, or domestic servants, such as her role as a cook in the 1933 box-office hit, *King Kong*. In 1937, Conley was cast in the memorable role of "Tituba" in the film, *Maid of Salem*, a dramatic retelling of the events surrounding the Salem Witch Trials of 1692. The film was financially successful, and Conley's performance garnered critical praise. Despite the motion picture industry's limitations for African American performers, Conley worked consistently throughout the 1930s and 1940s.

Conley played in a number of silent films and many award winning features. Some of her roles included: "Slave," *Birth of a Nation* (1915), "Maid," *Uncle Tom's Cabin* (1927), "Hattie," *King Kong* (1933), "Jim Alley's Mother," *In Old Chicago* (1937), "Carmen's Grandma," *Carmen Jones* (1954), "Witch Woman," *Tarzan and the Trappers* (1958), and she also appeared in *Porgy and Bess* (1959). The successful actress once defended what some critics said were demeaning roles for African Americans: "I'd rather play a maid than be one," she said. Conley died February 1, 1959. She was 85 years old.

KCHR's 2nd International Open House

On March 22, 2007, the Kentucky Commission on Human Rights with the Louisville Metro Office for International Affairs hosted the second open house celebrating the Kentucky Human Rights International Day.

About 30 leaders from immigrant communities across the state attended this important event. The open house provided an opportunity for people to tour the office of the Kentucky Human Rights Commission, and meet the commissioners and staff.

The goal of the open house was to ensure that leaders from the state's immigrant communities have personal contacts at the commission, are aware of our services and have a voice in our work to ensure adequate services for Kentucky immigrants. Attendees had an opportunity to share about pertinent issues in their communities.

Representatives from our partner agencies also participated: the U. S. Department of Housing and Urban Development Kentucky Field Office, U. S. Equal Employment Opportunity Commission Kentucky Field Office, the Kentucky Housing Corporation and the Consulate of Mexico in Indianapolis.

The open house was part of KCHR's ongoing efforts to include all minorities in our civil rights work to ensure that every person in Kentucky has equal access to housing, employment and public accommodations.





Fair Housing Month in April

Governor Ernie Fletcher, seated at his desk, below, declared April Fair Housing Month in Kentucky. With him on the second row are: Housing Enforcement Officer LiAndrea Goatley of KCHR, Shayla Johnson of the Fair Housing Council Lexington, Fair Housing Coordinator Toni Smith of the Kentucky Housing Corporation, Vicky Ray of the U.S. Housing & Urban Development (HUD) Louisville Field Office, Housing Enforcement Supervisor Cynthia Thornburg Schnell of KCHR, and Commission Chair Priscilla Johnson of KCHR. On the third row are: Housing Enforcement Officer Michael Foree of KCHR, Rick McQuady of the Kentucky Housing Corporation, and Commissioner Thurmond Coleman Sr. of KCHR.



Staff of the KCHR Housing Unit participated also in the following activities: Lexington-Fayette Urban County Human Rights Commission Fair Housing workshop and luncheon on April 10 and Metropolitan Housing Coalition 40th Anniversary for Fair Housing on April 11. Cynthia Thornburg Schnell presented the following fair housing trainings in April: Bardstown Coldwell Banker Realtors with 15 participants and the Heart of Kentucky Association of Realtors in Elizabethtown with 22 participants.

First African American and Latino Summit

We had our first African American and Latino Relations Summit during the Summer of 2007 at the Kentucky State University's Cooperative Extension Building in Frankfort. The summit provided an opportunity for African American and Latino leaders to meet and get to know each other, discuss areas where these two populations have worked side by side, discuss strategies to diffuse prejudices and racial problems between African American and Latino students and communities in Kentucky, and develop a plan to promote mutual understanding between these two populations. This summit was cosponsored by the Lexington-Fayette Urban County Human Rights Commission, the Governor's Office of Minority Empowerment and the Kentucky State University's Land Grant Program. Approximately 70 people participated in the summit.

The 3rd Kentucky Hispanic Networking Summit

On October 4, 2007, we hosted the 3rd Kentucky Hispanic Networking Summit. The objective for this program is to foster mutual understanding and increase communication between the federal, state, and local governments with the Hispanic community in Kentucky. Participants get the opportunity to address concerns and strategize to enhance collaboration between all Kentuckians, including people of other national origins and immigrants Approximately 140 people attended.

Fair Housing Initiative Program Grant

KCHR received a \$99,800.00 Fair Housing Initiative Grant from the U. S. Department of Housing (HUD). The purpose of the grant is to educate people with disabilities, housing providers, and the immigrant and refugee communities about their rights and responsibilities under the Federal Fair Housing Act and the Kentucky Fair Housing Act. In 2008, KCHR will be able to conduct fair housing workshops, trainings, translate fair housing materials, place fair housing ads, broadcast fair housing radio commercials, and produce fair housing materials across Kentucky. The grant is for a one year period and will focus in northern, south central and eastern Kentucky.

Research

Release of "The Status of Minorities and Women in State Government" Report

The Status of Minorities and Women in State Government report addresses three issues for all full-time state employees: gender, race/ethnicity, and salary. The data presented in this report covers the period ending January 2007.

The Minority Hiring Goal set by the Commonwealth of Kentucky Affirmative Action Plan is 10%. Minorities constitute 9.28% of the entire state government workforce, which consisted of 30,923 people as of January 2007. The breakdown of minority employees is as follows: 8% are African Americans, 0.42% are employees who identified their race as "Other;" 0.37% are Asian Americans, 0.35% are Hispanics, and 0.16% are American Indians.

The Environment and Public Protection Cabinet (EPPC) and the Commerce Cabinet fall below the goal and have the lowest minority employment in all cabinets. The EPPC and Commerce Cabinet have only 6.01% and 6.18% minority employment, respectively. The largest employer of minorities is the Health and Family Services Cabinet. It exceeds the 10% minority hiring goal with 1,057 minority employees, which is 13.79% of its workforce.

The state's Female Hiring Goal is 52.42%. Women account for 51.23% of the total state government workforce. Five cabinets out of ten have reached the female hiring goal: Health and Family Services, Personnel, Education, General Government, and Economic Development.

Women account for the majority of the workforces in the Health and Family Services, Personnel, and Education cabinets. Health and Family Services has 79.83% or 6,119 females; Personnel has 76.89% or

63 females; and, Education has 70.16% or 1,441 females. The employer that falls shortest of its female hiring goal is the Transportation Cabinet, which employs only 19.72% or 932 females. Three cabinets, Environment and Public Protection, Commerce, and Justice and Public Safety have 40% women.

Regarding salary, in the state cabinets combined, the average male salary is higher than the female by 15.75%. In three cabinets, Environment and Public Protection, Economic Development, and Education, the average male salary is higher than the female salary by a gap that ranges anywhere from 20% to 30%. In General Government, with its 35 departments/commissions/boards, the average male salary is higher than the female salary by 19.76%, yet, women account for 62% of its workforce.

The gap in salary is minimal in the Health and Public Services Cabinet; the average male salary is higher than the female salary by only 3.76%. However, women employees in the Health and Public Services Cabinet account for 80% of its total workforce.

Among racial/ethnic groups, the average White salary is the highest in each of the ten cabinets. The average White salary in the ten cabinets averages out to be 0.42% higher than employees who identify themselves as "Other;" 10.83% higher than the average salary of African American employees; 11.67% higher than Asian American employees; 15.96% higher than American Indian employees; and 16.86% higher than Hispanic employees.

The full report is available online at: http://www.kchr.ky.gov/reports/reports.htm

Training

KCHR conducted training sessions for groups, businesses, organizations and the general public throughout the year.

Fair Housing

Sessions designed for housing providers, realtors, financial lenders, advertisers, media, community groups and the public to outline Fair Housing rights and how to comply with the law.

Cultural diversity

This training is designed to share information with employers and employees or community groups about the benefits and challenges of cultural diversity. Topics discussed include, "Why diversity is important," "How our views are formed" and "Fostering open communication." Participants are encouraged to participate in open discussion. The course is aimed at increasing work productivity and a positive work environment or enhancing and improving community relations.

Building Culturally Sensitive Teams

This workshop uses the principles of the Cultural Diversity training to encourage the building of work teams that are positive and productive. It provides skills to help members fully utilize one another's abilities and talents for group success.

Sexual Harassment

This workshop teaches participants how to comply with sexual harassment law and demonstrates how people are protected by the law. It is designed to protect employers and employees. It provides tips on how to foster and ensure sexual harassment-free environments in the workplace.

The Kentucky Civil Rights Act (KRS 344) Training

This workshop teaches participants how to comply with and how they are protected by Kentucky's law against discrimination. It tackles general topics about the commission, how we enforce the law, how to file a complaint, what to do if you are served with a complaint, and other information found in our state statute, KRS 344, also known as the Kentucky Civil Rights Act.

Custom Training

Education sessions or workshops can be created to fit the needs of any community, business or group. They can include any of the above topics, as well as other civil rights issues, such as how to start a local commission in a city, county or region. Those requesting training may call our agency with a "wish list," and we will work with them to create the perfect workshop for their needs.

New Commissioner Orientation and Training

Orientation sessions introduce new local commissions to the Kentucky Commission on Human Rights partnership and discuss the roles of local commissions along with education and outreach options for their communities. New commissioner training provides KRS 344 and intake instruction.

Kentucky Commission on Human Rights Mourns Galen Martin



The Kentucky Commission on Human Rights expresses its deepest sympathy to the family and friends of the patriarch of the Kentucky Commission on Human Rights. Galen Martin, the first executive director of the commission and a renowned champion for civil rights, died Tuesday, December 19, 2006, at his home at the age of 79, according to media reports. Galen Martin served our commonwealth and our nation with his steadfast commitment to the principles of equality.

Mr. Martin led the Kentucky Commission on Human Rights from the time of its formation in 1960, until 1989. He continued to work for civil rights in many capacities until the end of his life. "It has been a tragic year for those committed to the cause of equality in Kentucky," said Priscilla Johnson, then chair of the commission. "In addition to losing our beloved Galen Martin," she said, "we have also lost civil rights leaders Sterling Neal, Anne Braden and Henry Wallace."

Local Human Rights Commissions

This year, KCHR continued to work with city and county governments to help establish local human rights commissions. Currently, there are 21 local commissions under city or county governments across Kentucky. The Paris Human Rights Commission is the most recent local commission to be established. KCHR also worked with Russellville and Logan County officials to assist in reactivating the Russellville and Logan County Human Rights Commission.

Local human rights commissions are vital to our work. They help Kentucky by providing education programs in their regions to ensure that citizens of their communities are informed about their rights and responsibilities under the Kentucky Civil Rights Act. They work to conduct initial complaint intakes and also to refer complaints to KCHR for processing. KCHR provides technical support to local human rights commissions. We attend their meetings and provided trainings for their members.



Kentucky Local Human Rights Commission Partners

- * Ashland Human Rights Commission
- * Bardstown Nelson County Human Rights Commission
- * Bowling Green Human Rights Commission
- * Covington Human Rights Commission
- * Danville-Boyle County Human Rights Commission
- * Franklin-Simpson County Human Rights Commission
- * Hazard Human Rights Commission
- * Henderson-Henderson County Human Rights Commission
- * Hopkinsville Human Relations Commission
- * Lebanon Human Rights Commission
- * Lexington-Fayette Urban County Human Rights Commission
- * Louisville-Jefferson County Metro Human Relations Commission
- * Mayfield Human Rights Commission
- * Maysville Human Rights Commission
- * Midway-Versailles-Woodford County Human Rights Commission
- * Murray Human Rights Commission
- * Owensboro Human Relations Commission
- * Paducah Human Rights Commission
- * Paris Human Rights Commission
- * Richmond Human Rights Commission
- * Russellville-Logan County Human Rights Commission

2007 Human Rights Organization Partners

A. Phillip Randolph Institute ACLU of Kentucky Affirmative Action Advisory Committee African American Catholic Ministries AFSCME of Kentucky American Baptist Newspaper of KY Arch Diocese of Louisville Ashland NAACP Bardstown NAACP Bluegrass Farm Chaplaincy, Inc Bluegrass Farm Workers Health Center Boat People S.O.S. Bowling Green NAACP Business and Professional Women River City Cabinet for Health and Family Services Campbellsville University Cathedral Heritage Foundation Catholic Charities Catholic Charities - Bardstown Catholic Diocese of Owensboro Center for Accessible Living Center for Women and Families Centro del Immigrante in Paducah Centro Latino - Owensboro Centro Latino - Shelbyville Centro Latino in Danville Children's Law Center Church Women United of the Louisville Area Coalition for the Homeless Community Action Agency Council on Post Secondary Education/ Committee on Equal Opportunity Covington Hispanic Resource Center Covington Police Department Danville NAACP Department of Local Government Hispanic Ministry of Lexington Catholic Diocese Eastern Community Ministries in Louisville Education Equity Task Force Equal Employment Opportunity Commission Erlanger NAACP Fair Housing Council Federal Bureau of Investigation Fellowship of Reconciliation Frankfort NAACP Franklin County Latino Coalition Fund for Women Georgetown NAACP Governor's Child Labor Committee

Governor's Housing Conference

Governor's minority Management Task Force Henderson NAACP Hispanic Association, Inc Hispanic Community Center in Louisville Hispanic Ministries in Shelbyville Hispanic Ministry - Covington Hopkinsville NAACP Intergovernmental Black History Committee International Association of Official Human **Rights Agencies** Irvington NAACP Jefferson Board of Education Jefferson County Clerk Jefferson County Community Action Committee Jefferson County Police Department Jefferson County Public Schools Jewish Community Federation of Louisville Jewish Family and Vocational Services Kentuckiana Interfaith Community Kentucky Housing Corporation Kentucky Alliance against RPR Kentucky Association on Government Communicators (KAGC) Kentucky Commission on Women Kentucky Conference of NAACP Branches Kentucky County School Board Kentucky Disabilities Coalition Kentucky Fairness Campaign Kentucky Hate Crimes Task Force Kentucky Mexican American Relations Institute Kentucky Migrant Legal Services Kentucky NAACP Kentucky Rainbow Coalition Kentucky Real Estate Commission Kentucky River Foothills Kentucky State Date Center Kentucky Youth Advocates Kettering Foundation Kentuckiana Metroversity La America Community Center La Amistad in Covington LaGrange NAACP Latino Club of Louisville Legal Aid Society of Louisville Lexington Cardinal Valley Center Lexington Fair Housing Council Lexington Hispanic Association, Inc Lexington Urban League Lincoln Bicentennial Commission Lincoln Foundation Louisville Defender Newspaper

Louisville Hispanic Latino Business Council Louisville Hispanic/Latino Coalition Louisville Latino Coalition Louisville NAACP Louisville NAACP Louisville Office for International Affairs Louisville Tenants Association Louisville Urban League Louisville Urban League Madisonville NAACP Mantle Rock Center Martin Luther King, Jr. State Commission Maysville/Mason County NAACP Metro Disability Coalition Metropolitan Housing Coalition Predatory Lending Panel Migrant Network Coalition Mujeres unidas in Richmond National Association of Human Rights Workers National Coalition Building Institute - Louisville Chapter National Conference for Community and Justice National Council of Jewish Women - Louisville Chapter National Council of Negro Women - Louisville Chapter National Fair Housing Alliance NETWORK Northern Kentucky African American Heritage Task Force Northern Kentucky NAACP Office of Latino Student Affairs of Northern Kentucky University One Louisville Owensboro Centro Latino Owensboro NAACP Owensboro Plaza Community Center Paris NAACP Peace Education Program Planned Parenthood of Kentucky, Inc Providence NAACP Russellville NAACP Saint Susana Catholic Church in Elkton Shelbyville Latino Center Southern Transportation Civil Rights Conference St. Rita/Hispanic Center in Louisville Subcommittee for Equity and Justice for All Youth Take Back the Night Louisville Planning Committee The Arabic American Anti-Discrimination Committee Tri County and Kentucky Alliance Against Racists and Political Repression

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