



# Kentucky Commission on Human Rights

2017 Annual Report

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### Kentucky Commission on Human Rights

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## Letter of Greeting



Dear Governor Matthew Bevin, Kentucky Legislators, and fellow Kentuckians:

**T**he Kentucky Commission on Human Rights is pleased to commend to you its 2017 annual report. The enclosed information highlights activities during the state reporting period of July 1, 2016, to June 30, 2017. The commission is the state government authority that enforces the Kentucky Civil Rights Act. Through partnership affiliations with the U.S. Department of Housing and Urban Development (HUD) and the U.S. Equal Employment Opportunity Commission (EEOC), our agency enforces 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.

The commission this year reached people across Kentucky through enforcement, education, outreach, communications, leadership, and collaboration. We filed 350 discrimination complaints and closed 304 complaints. Allegations of discrimination claimed race and color more often than any other basis; the basis of disability was second. With the exception of last year when disability discrimination was alleged most, the basis of race and color have accounted for the highest numbers of complaints since the Kentucky Civil Rights Act was passed in 1966. The majority of discrimination complaints this year were in the area of employment; this has been the case each year since 1966; housing complaints were second and public accommodations complaints were third.

The commission worked hard to raise public awareness of civil rights and equality throughout the year. With sharp budget cuts since 2007 and staff shortages, we continue with diligence to meet the mandates of the Kentucky Civil Rights Act and to serve the people of the great Commonwealth of Kentucky. We are proud of our staff and their determination to carry out our critical duties during a challenging time.

All Americans must make a top priority the commitment to eradicate discrimination through enforcement, education and increased knowledge of the importance of equal opportunity and treatment. We all continue to witness and feel the devastating results of prejudice and discrimination. We are dedicated to the state's principles of equality, freedom, and good will.

The Kentucky Civil Rights Act states that the commission is to "secure the state against domestic strife and unrest which would menace its democratic institutions." We continue to work hard to carry out this function as well as our duty to "preserve the public safety, health, and general welfare, and to further the interest, rights, and privileges of individuals within the state (Kentucky Civil Rights Act)."

Sincerely,

George W. Stinson  
Chair

John J. Johnson

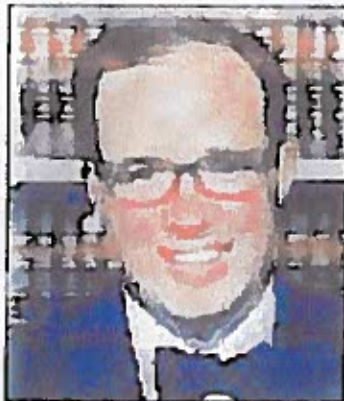
Executive Director



# Kentucky Human Rights Board of Commissioners



**Robert Asseo**  
Florence  
6<sup>th</sup> Supreme Court District



**Duane Bonlifer**  
Greensburg  
3<sup>rd</sup> Supreme Court District



**Richard E. Brown**  
Owensboro  
2<sup>nd</sup> Supreme Court District



**Samuel R. Coleman Jr.**  
Middlesboro  
State At Large



**Henry Curtis**  
Frankfort  
5<sup>th</sup> Supreme Court District



**Sandra D. Moore, Ph.D.**  
Richmond  
State At Large



**Carol L. Jackson**  
Ashland  
7<sup>th</sup> Supreme Court District



**Doris Clark Sarr, Ph.D.**  
Murray  
State at Large



**Timothy W. Thomas**  
Madisonville  
1<sup>st</sup> Supreme Court District



**George W. Stinson, Chair**  
Louisville  
4<sup>th</sup> Supreme Court District



**D. Anthony Everett, Vice Chair**  
Lexington  
State At Large

# About the Kentucky Commission on Human Rights

**The Kentucky Commission on Human Rights is the state government authority that protects people from discrimination by enforcing laws that guarantee civil rights.**

**The agency receives, initiates, investigates, conciliates, mediates, and rules upon complaints alleging violations of the Kentucky Civil Rights Act. Through its affiliations with the U.S. Dept. of Housing and Urban Development and the U.S. Equal Employment Opportunity Commission, the Kentucky Human Rights Commission also enforces the United States Civil Rights Act.**

**The commission consists of the executive director, agency personnel, and the Board of Commissioners.**

**With headquarters in Louisville and the Northern Kentucky office in Covington, the Kentucky Commission on Human Rights has opened doors of opportunity for thousands of people for 57 years.**

**When the Kentucky General Assembly and Gov. Bert Combs created the Kentucky**

***The Kentucky Governor appoints the 11 members of the Kentucky Commission on Human Rights Board of Commissioners. The members represent the state population by the seven Kentucky Supreme Court Districts and the state at large. The quasi-judicial board hears and rules on discrimination complaints with the authority of a court of law.***

**Commission on Human Rights in 1960, the job of the agency was to encourage fair treatment, foster mutual understanding and respect, and discourage discrimination against any racial or ethnic group or its members.**

**In 1966, the commission role expanded with passage of the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344). This law made discrimination illegal, and it gave the Kentucky Commission on Human Rights the statutory authority to enforce the law for the people of the Commonwealth of Kentucky.**

**The law made Kentucky the first state in the south to prohibit discrimination.**

**The commission is mandated to educate the public about the laws against discrimination and the benefits of equality. The agency conducts a comprehensive program of collaboration, communications, education, outreach, and training to vigorously carry out this task.**

## Mission

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

## Vision

**A commonwealth united against discrimination. A commonwealth united for equality.**

## Purpose

**The Kentucky Commission on Human Rights governing law is the Kentucky Civil Rights Act, Kentucky Revised Statutes Chapter 344. The Act directs the commission 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."**

# *The Kentucky Civil Rights Act*

The Kentucky Civil Rights Act makes it unlawful to discriminate against people. The law defines discrimination 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.

The law grants protection from discrimination based on specific classes. The following are protected classes under the Kentucky Civil Rights Act. Not all protected classes are covered in every listed area:

**Age**

**Color**

**Disability**

**Familial Status**

**National Origin**

**Race**

**Religion**

**Sex**

**Tobacco-Smoking Status**

**The law protects people in the following areas:**

**Housing**

**Employment**

**Public Accommodations**

**Financial Transactions**

It is against the law to retaliate against any person who has made a discrimination complaint to the Kentucky Commission on Human Rights.

Through its affiliations with the U.S. Department of Housing and Urban Development and the U.S. Equal Employment Opportunity Commission, the Kentucky Commission on Human Rights enforces The U.S. Civil Rights Act, The U.S. Fair Housing Act, The U.S. Americans With Disabilities Act and other federal anti-discrimination laws.



# Equal Treatment and Equal Opportunity are your rights. Use them.

## Housing

It is against the law to discriminate against any person who seeks to rent or own housing, based on the person's color, disability, familial status (whether one lives with children under 18 years of age), national origin, race, religion or sex. Federal and Kentucky fair housing laws provide equal opportunity to all people when buying, selling, renting, financing or insuring housing. You have the right to buy or rent where you choose a home, condominium, apartment, trailer or lot. Everyone must obey the law, including property owners, property managers, real estate brokers, sales agents, operators, builders and developers, advertisers and advertising media, mortgage lenders, insurers, and banks or other financial institutions.

## Employment

It is unlawful to discriminate against any person in the area of employment because of the person's age (40 and over), color, disability, national origin, race, religion, sex or tobacco-smoking status. It is unlawful to discriminate against any individual in regard to recruiting, hiring and promotion, transfer, work assignments, performance measurements, the work environment, job training, discipline and discharge, wages and benefits, or any other term, condition, or privilege of employment. The law prohibits not only intentional discrimination,

but also neutral job policies that disproportionately affect persons of a certain protected class and that are not related to the job and the needs of the business. The law applies to employers of eight or more people (15 in a disability claim), in businesses, employment agencies, labor organizations, licensing agencies, federal agencies, and the Commonwealth of Kentucky and its political subdivisions, including public schools.

## Public Accommodations

It is illegal for a place of public accommodation, resort or amusement to refuse or deny the full and equal enjoyment of goods, facilities and accommodations to any person because of his or her color, disability, national origin, race or religion. A place of public accommodation includes any place, store, or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public or which is directly or indirectly supported by government funds. Stores, restaurants, businesses, theatres, hotels, and medical offices are just a few examples. In addition, restaurants, hotels, motels, and facilities directly or indirectly supported by government funds are prohibited from denying goods and services on the basis of sex.

## Financial Transactions

The denial of credit or financing by a financial institution or person offering credit is illegal when it is based on certain protected classes, including race, color, religion, national origin or sex. It is illegal to discriminate for these reasons in the interest rate or monthly payment of a loan, in its terms and payment schedule, points, fees, or penalties, or in the offer of credit insurance on the loan.

## Retaliation

It is illegal to retaliate or discriminate in any manner against a person who has opposed a practice declared unlawful by the Kentucky Civil Rights Act or because he or she has filed a complaint or assisted in any manner in an investigation or proceeding under the Kentucky Civil Rights Act.

*The Kentucky Commission on Human Rights enforces your rights to equality*

# Enforcement of Civil Rights Law

## How it works



### Filing a Complaint

A person who believes he or she has been illegally discriminated against may contact the commission by phone, mail, email, via the 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.

### Mediation

If both parties are willing to mediate, a mediator will schedule the case within 30 days. If mediation leads to an agreement, the case is closed.

### Investigation

Once the complaint is filed, if mediation has been declined or is unsuccessful, the commission undertakes a thorough and impartial investigation. The agency conducts interviews and gather facts from the person making the complaint and those who have been charged with discrimination.

### Conciliation

Enforcement officers work to conciliate the complaint. Conciliation involves commission staff negotiations between the parties that have been charged with discrimination and the persons who made the complaint. Conciliation talks can lead to a settlement, which may include a monetary award.

### 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.

### Hearing

If investigation leads to a probable-cause recommendation, the complaint moves to the litigation phase. Commission 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. Staff attorneys 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

The Kentucky Commission on Human Rights receives calls almost every day from people who are afraid or who are under great stress. Simply, people turn to us for help.

Callers and visitors may be unsure as to what the commission does or that the agency function is to enforce, protect and raise awareness of everyone's civil rights through anti-discrimination laws. Frequently, without knowing specifically how we can help, people contact us because they believe we can help. We are relied upon as the Human Rights Commission of the Commonwealth of Kentucky State Government.

Our mission is to help each person that contacts us and enforce the laws making discrimination illegal. Our staff are professionally trained to communicate with people who believe their jobs are in jeopardy, for instance, or they may be afraid they are going to be evicted any moment or intimidated out of their homes because of perceived discrimination or hate. Callers are sometimes humiliated or embarrassed and believe they have been refused service by a sales person in a store or restaurant because of national origin or a disability.

If callers contact us with a non-civil rights-related need, we work to help them reach the appropriate authority or organization that can assist them. Every person in Kentucky is important. Every individual counts and deserves courtesy and respect. The commission is committed to assisting the public and to enforcing anti-discrimination law with the force and authority of The Kentucky Civil Rights Act and The U.S. Civil Rights Act.

The commission conducted approximately 400 intakes between July 1, 2016, and June 30, 2017. The term, intake, refers to a defined, official process used to interview contacts who believe they are victims of unlawful discrimination. These people were each interviewed by staff members, forms were completed, and officials determined whether the intakes met the criteria needed in order to file a discrimination complaint, according to the stipulations of The Kentucky Civil Rights Act and The United States Civil Rights Act.

The commission received approximately 2,500 calls this year from people with questions about civil rights or to ask for help in bringing about solutions to problems such as perceived community-wide or group racism or hate against people because of their race, color, language spoken, ethnicity, disability, and gender. People called asking for civil rights training. Intakes that met all of the jurisdictional requirements of the Kentucky and U.S. Civil Rights acts resulted in the commission filing 350 official discrimination complaints this year. That is up 86 complaints from last year.

# Cases Filed

Equal Opportunity  
Equal Treatment



## 10-YEAR COMPARISON No. of Discrimination Complaints Filed

AREA	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Employment	343	320	228	262	229	212	260	213	147	144	237
Housing	37	47	47	28	53	41	45	35	47	87	80
Public Accommodations	48	34	47	42	51	33	56	47	41	33	38
Financial Transactions	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>423</b>	<b>421</b>	<b>322</b>	<b>329</b>	<b>333</b>	<b>286</b>	<b>361</b>	<b>315</b>	<b>235</b>	<b>264</b>	<b>350</b>

**350 complaints filed in 2017**

## 10-YEAR TOTAL No. of Discrimination Complaints Filed

**EMPLOYMENT = 2,595**

**HOUSING = 564**

**PUBLIC ACCOMMODATIONS = 480**

**FINANCIAL TRANSACTIONS = 0**

**TOTAL = 3,639**



# Complaints Filed by Basis 2007 to 2017

Basis	2007	2008	2009	2010	2011	2012
Race or Color	193	158	125	128	143	97
Sex	91	93	67	63	38	119
Age (40+)	47	38	34	38	35	26
Religion	1	3	3	5	5	3
Disability	86	99	73	68	94	76
National Origin	30	18	24	24	23	17
Retaliation	39	39	28	40	27	29
Familial Status	1	9	1	2	6	11
Smoking	1	9	1	1	1	1
Totals	496	467	369	373	375	380

Note: There can be more bases than number of complaints filed each year because complaints may list more than one basis.

Basis	2013	2014	2015	2016	2017	10 Year Grand Totals
Race or Color	123	93	103	89	124	1376
Sex	65	53	57	61	43	750
Age (40+)	37	30	40	21	29	375
Religion	1	13	11	11	1	89
Disability	84	35	80	99	110	904
National Origin	17	16	33	38	21	256
Retaliation	42	35	58	24	17	378
Familial Status	1	1	1	1	1	56
Smoking	1	1	1	1	1	19
Totals	380	278	368	347	350	4203



# Cases Closed

## Mediation Settlements

The agency successfully closed 18 complaint cases through mediation. The process of mediation can help case parties to resolve complaints quickly and avoid investigation. The mediation monetary settlement amounts totaled \$196,813 in the reporting period. There were other settlement terms, among which were, training of employers and company staff, neutral references, and no challenge to unemployment benefits.

The Mediation Unit successfully impacts the service of the commission. Mediation is an informal and confidential process through which opposing parties meet face to face to discuss the alleged discrimination incidents that resulted in a complaint. The complainants and respondents negotiate voluntary resolution of the disputes under the guidance of a commission attorney. Settlement is voluntary in mediations, and mediation results, which are protected by privacy clauses, result in closure of a case.

The commission mediation unit uses the facilities of local human rights commission and city halls throughout the state. This enhances the ability of the commission to reach the 120 counties of the state. Due to budget cuts, however, mediation travel was restricted to few locations away from Louisville this year.

## Private Settlements

Forty complaint withdrawals resulting in private settlements were achieved once all parties were informed a commission complaint was filed or during investigation. Complainants were then able to negotiate private settlements with their respondents. Parties preferred to privately settle the complaints rather than undergo the completion of a commission investigation and a possible ruling. It is, of course, unknown to the commission or the public the dollar amounts that may have been part of the terms of these 40 settlements.

## Conciliation Agreements

The commission negotiated 16 conciliation agreements between complainants and respondents during the investigation phase. Monetary compensated in these cases

Kentucky Commission on Human Rights commissioners may undergo legal training and certification according to law to act as hearing officers. A hearing officer is an official appointed by a government agency to conduct an investigation or administrative hearing so that the agency can exercise its statutory powers. Commissioners Duane Bonifer and Henry Curtis served in this capacity during the year.

resulted in \$23,823 for the complainants. Respondents agreed to comply with anti-discrimination laws, change policies to comply with these laws, undergo compliance training, grant reasonable accommodations and correct disability accessibility issues, and submit to commission compliance monitoring.

## Probable Cause Conciliations

The agency negotiated conciliation agreements in six cases where it was determined probable cause existed to believe discrimination may have occurred. The total compensation through these probable cause conciliations was \$50,750.

When the agency determines that probable cause exists, the opposing parties may choose to either settle the case with such agreements or pursue further litigation, which can ultimately end with a hearing and final ruling by the commission board.

## Final Orders

The commission ruled on one case in a quasi-judicial session, finding a respondent guilty of unlawful discrimination. Monetary damages totaled \$69,130 for the complainant.

**The commission helped complainants receive \$340,520 this year. That amount does not include dollars complainants received in 40 private settlements.**

# 10-YEAR COMPARISON Discrimination Complaint Case Closures

## 2007 to 2017

Rulings by Commission	2007	2008	2009	2010	2011
No Probable Cause	300	263	244	252	337
Conciliation during Investigation	5	11	19	10	15
Withdrawal & Right to sue	65	60	26	39	23
Withdrawal & Settlement	26	22	52	42	37
Final Ruling Judgement	2	1	2	1	1
Probable Cause Conciliation	25	16	7	1	10
Successful Mediation	N/A	19	27	34	17
Total	423	395	375	383	439

## \*3952 complaint cases closed 2007 to 2017

\*The number of cases closed is higher than number of cases filed for the 10 year period since cases often carry over from previous years.

## 304 complaint cases closed in 2017

Rulings by Commission	2012	2013	2014	2015	2016	2017
No Probable Cause	186	209	203	187	176	158
Conciliation during Investigation	12	12	6	18	7	16
Withdrawal & Right to sue	34	40	76	49	53	65
Withdrawal & Settlement	32	44	43	42	28	40
Final Ruling Judgement	1	1	1	1	1	1
Probable Cause Conciliation	14	16	9	10	13	6
Successful Mediation	28	23	25	16	18	18
Total	306	345	362	322	298	304

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## *Case Highlights*

### **Commission rules Terrace Nursing and Rehabilitation Facility ruled guilty of sex discrimination against pregnant employee**

The Kentucky Commission on Human Rights Board of Commissioners in January 2017 ruled that Terrace Nursing and Rehabilitation Facility, in Berea, Ky., committed unlawful discrimination against an employee because of her pregnancy and pregnancy related disability.

The commission ordered the company to pay a total of \$69,131.40 to complainant Lacy M. Clements. Terrace was found to have unlawfully discriminated against Clements when it terminated her employment on the basis of her sex (pregnancy) and pregnancy related disability in violation of the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344) and the U.S. Civil Rights Act.

State and federal laws prohibit an employer from discharging or otherwise discriminating against an individual with respect to compensation, terms, conditions, privileges of employment, because of the individual's sex (pregnancy) and pregnancy related disability. The hearing officer found that, notwithstanding her pregnancy and related disability, Clements was nevertheless capable of performing the essential functions of the job, with a reasonable accommodation, which Terrace refused to provide.

Clements complained to the commission in 2014 that her employer asked her to take an unpaid 30-day leave after Clements submitted a physician's note saying that she was pregnant. According to the final order, the note stipulated a weight-lifting limit and said the complainant should not work with or be in the same area as harsh cleaning chemicals. According to the final ruling, Clements did not desire the leave, and her physician said she could perform the essential duties of her job while being pregnant. Nevertheless, Terrace refused to allow Clements to continue working because of her pregnancy and pregnancy related disability.

The commission awarded Clements in the amount of \$40,333.20 in back pay, \$13,798.20 in front pay, and \$15,000 in damages for emotional injury including embarrassment and humiliation, the final order said.

Commission final orders may be appealed in circuit court.



# *Case Highlights*

## **Access required at Louisville rental property for people with disabilities**

In the matter of the Lexington Fair Housing Council v. SCH Austin Park LLP, the council complained to the Kentucky Commission on Human Rights in February 2017, alleging discrimination in the protected class of disability in the area of housing. The council, an organization that promotes fair housing, said it conducted an investigation at Austin Apartments in the Fairdale neighborhood of Louisville, Ky., and discovered the respondent's property was inaccessible to individuals with disabilities due to lack of equal access.

This would be a violation of the Kentucky Civil Rights Act Fair Housing Law and the U.S. Fair Housing Act. The respondent, SCH Austin Park Verde LLP, denied any violation of the law.

Before the Kentucky Human Rights Commission investigation was complete, the parties chose to resolve the matter with a conciliation agreement.

The owner of Austin Apartments agreed to compensate the council in the amount of \$250. The respondent agreed to:

- Move the alarms in the ground floor units to the accessible height of 48 inches from the finished floor
- Move the thermostats in the ground floor units to the accessible height of 48 inches from the finished floor
- Make the threshold leading from the ground floor apartment unit to the patio deck accessible by making it no higher than 3/4 of an inch
- Create accessible routes to two pertinent buildings by ensuring that curb ramps do not open up into a usable parking space and access aisles and add access aisles for any existing disability parking spaces
- Complete within one year all accessible routes of the agreement and complete all interior corrections in the amount of 15 ground units per year, consecutively, until all are accessible.
- The landlord will undergo compliance training and submit to commission compliance monitoring and follow-up inspection.

The commission ruled to accept the conciliation in June 2017. The agreement does not constitute an admission of liability or wrongdoing, including but not limited to, any violation of the Kentucky Civil Rights Act, KRS Chapter 344 et. seq. or Federal Fair Housing act as amended, 42 USC 3601 et seq., all of which are specifically denied. The parties acknowledge that these conciliations are a compromise of disputed claims.

## *Case Highlights*

### **Disability service animal allegedly denied entrance to hospital emergency room with patient's mother**

In March 2017, the Kentucky Commission on Human Rights ruled to accept a conciliation agreement that included compensation for complainant in the amount of \$20,000.

Monica McClain in 2014 had complained to the commission, alleging that Saints Mary and Elizabeth Hospital in Louisville, Ky., discriminated against her on the basis of disability in the area of public accommodations (includes stores, restaurants, hotels, businesses, service providers, as examples).

She claimed the hospital refused to let her enter the emergency room with her service animal when she took her daughter for emergency services. This would be a violation of the Kentucky Civil Rights Act. (Kentucky Revised Statutes Chapter 344). The hospital denied any allegation of violation of the law.

On August, 30, 2016, the commission issued a finding of probable cause, which indicates evidence exists to believe discrimination may have occurred. Rather than proceed with a hearing or further litigation, the parties chose to resolve the matter with a conciliation agreement.

The hospital confirmed it does and shall comply with the Kentucky Civil Rights Act and the U.S. Americans with Disabilities Act and that it has not nor will it retaliate against anyone who participated in this matter.

The hospital agreed to compensate McClain in the amount of \$10,000; the hospital agreed to develop and implement a revised written policy that complies with the law regarding the use of service animals in its facility and to provide the policy to the commission and the complainant. The hospital agreed to undergo civil rights compliance training, to post a public accommodations welcome notice prepared by the commission for visitors to see, and to submit to commission compliance monitoring for three years.

## *Case Highlights*

**African American renter claimed insect fee charged only to her and not to any other tenants who were all white**

Courtney Milligan in April 2016 complained to the commission, alleging that Campus Evolution Villages, officially named CEV Gables LP, in Bowling Green, Ky., discriminated against her on the basis of her race (African American) in the area of housing.

This would be a violation of the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344) and the U.S. Fair Housing Act. After the complaint was filed it was discovered the name of the company is actually CEV Gables LP.

Milligan claimed she was the only African American tenant among white tenants at the rentals at 1909 Creason Street in Bowling Green when an insect problem was discovered. She claimed the landlord attempted to charge her \$750 for insect treatment and did not charge an insect treatment fee to the white tenants.

She said when she complained about this, the landlord gave her an eviction notice and said that Milligan had not paid rent for three months. She claimed she paid rent for two months and that during the third month, the landlord refused to accept her rental payment.

The respondent denied any allegations of violation of the law and asserted that Milligan was responsible for the damages and costs resulting from pest control as described in the lease. Before the commission reached any determination, the parties chose to resolve the matter with a conciliation agreement.

CEV Gables affirmed that it does and shall comply with fair housing civil rights law. The company agreed to dismiss the eviction notice filed against the complainant. It agreed to waive the \$750 pest control expense charged to her account. It agreed to renew her lease in accordance with its current lease offers at the time of renewal if she requests renewal and is not in default of the lease. The respondent shall undergo fair housing law compliance training and to submit to commission compliance monitoring.

This conciliation agreement does not constitute an admission of liability or wrongdoing, including but not limited to, any violation of the Kentucky Civil Rights Act, KRS Chapter 344 et. seq. or Federal Fair Housing act as amended, 42 USC 3601 et seq., all of which are specifically denied. The parties acknowledge that the conciliation is a compromise of disputed claims.



# Onward Together

Fifty years after its creation, the Kentucky Commission on Human Rights is pressing ahead. The vision our agency began with, a Kentucky united against discrimination and united for equality, continues to drive our work.

In an increasingly challenging world with its questions and fears, the commission reaches out to bring peaceful relations and mutual respect among people in Kentucky and beyond.

Currently, the commission is operating with a large decrease in funds, along with other state government entities. We persevere and continue to raise awareness wherever and however we can about the crucial need for people within the borders of Kentucky, the nation, and the world, to revere and live according to the principles of civil rights, equality, mutual understanding, and respect for one another. We believe our function is essential to peace and prosperity in Kentucky and beyond.

To that end, we conducted education and outreach and participated in meetings with other organizations who work toward civil rights. We helped Kentucky's 26 local human rights commissions by training their commissioners. We shared information through literature, the press, the social media, exhibits. Commission officials spoke about civil rights and related issues that Kentucky faces at special events, banquets, conferences, and meetings.

We provided training to Kentucky immigrants about civil rights and the responsibilities they come with them. We taught employers and others how to avoid sexual harassment, racial, and other Kentucky Civil Rights Act violations. We spoke to police who asked for our input on police and community relations.



The U.S. Department of State sent these foreign dignitaries to meet with the commission at our Louisville headquarters in March 2017. Their visit was sponsored through the Dept. of State International Visitor Leadership program. This particular project was provided for people from the Near East and North Africa. They were escorted to the commission by members of the World Affairs Council of Kentucky and Southern Indiana.

The human and civil rights advocacy group members were from the countries of Algeria, Chad, Egypt, Iraq, Jordan, Kuwait, Saudi Arabia, and Sudan.

The commission was among other organizations in the nation asked to assist the delegation to:

Examine the historical context of human rights advocacy in the U.S., and the contemporary foreign policy issues resulting from the United Nations' adoption of the Universal Declaration of Human Rights;

Illustrate the influence of human and civil rights activists on policy at the national, state and local levels through lobbying, media, and grass roots campaigns;

Explore the role and organizational structure of associations, NGOs, and religious organizations in advancing U.S. civil rights and equal opportunity; and

Analyze a variety of human rights concerns related to issues including disability rights, freedom of press/speech/religion, access to education, and due process.





Commission Executive Director John J. Johnson speaks at events throughout the year. In September 2016, during this reporting period, he was keynote speaker at the 69<sup>th</sup> Kentucky Conference of the NAACP. He addressed improving the lives of African Americans in Kentucky: "Equal education must be a top priority. In our state; 66.2 percent of black high school graduates are not college-

ready in one or more subjects, and this is the highest percentage of any racial group. We must ensure that every child has access and obtains meaningful and first-rate education."

## *One Message, many channels*

He said that on average, 2.6 percent of white students drop out of school, while 4.91 percent of African American students drop out of school in Kentucky every year.

Regarding black teachers, in the 1953-54 school year (63 years ago), 6.8 percent of Kentucky teachers were African American, while today, the percentage has dropped to 3.7 percent, Executive Director Johnson told the state NAACP representatives.

"According to reports from the Kentucky Department of Education, there are 804 white members and only 43 non-white members," he said.

Housing, economics, racial economic justice are also ongoing concerns across the nation, Executive Director Johnson said. "Although job opportunities have increased in recent years, nationally, black unemployment still remains double that of white unemployment," he said.

Mr. Johnson expressed concern about incarceration rates among African Americans in Kentucky. "African Americans account for 7.5 percent of Kentucky's total population, but account for 31 percent of the state prison population," he said.





The commission co-hosted with the Lexington Fair Housing Council in April this Fair Housing training in Frankfort, Ky. April is U.S. and Kentucky Fair Housing Month. Kentucky Human Rights Specialist Juan Peña participated and set up a booth at the event, which was held at the Kentucky State University Harold R. Benson Research and Demonstration Farm. Two-hundred people attended. We continued to conduct fair housing, diversity, sexual harassment, and conciliation training across the state as budget allowed.

We designed and staffed a Fair Housing information and exhibit booth at the Kentucky State Fair in August 2016. While there for the 10-day period, we handed out our civil rights brochures produced in several languages through U.S. Dept. of Housing and Urban Development grant funding. We invited visitors to play Fair Housing games. Participants read fair housing rights information on the displays, answered fair housing questions, and played "corn-hole" and "tic tac toe" for fair housing pens! Many of our visitors discussed their housing issues at length and left with commission complaint intake questionnaires in their hands.

We were invited for a third year to the Hopkinsville Police Department to conduct training on workforce and community diversity, resulting in two separate trainings of approximately 100 Hopkinsville police department employees.

Since February 2016, Education and Outreach officials have assumed primary intake duties due to budget cuts and resulting staff shortages.



# Public Awareness Presence



Above is Education and Outreach Supervisor Mary Ann Taylor speaking in Henderson County about fair housing. The following is an excerpt from the Henderson Gleaner Newspaper (in Henderson, Ky.) published on April 12, 2017.

"It's not often that many of Henderson's property managers and landlords assemble under the same roof. On Wednesday, the Human Rights Commission of Henderson County hosted a fair housing seminar at the Denton Shelter House in honor of April's designation as National Fair Housing Month.

"This seminar is a community service," said Jeff Gregory, executive director of the local HRC. "Of course we want to help people being discriminated against, but we are also a service to everybody, the landlords, everybody. It's not about waiting for someone to get in trouble. It's more about if we can help somebody before things happen, then that's what we want to do. We want it to be a harmonious process and not confrontational."

"The featured speaker of the event, Mary Ann Taylor with the Kentucky Commission on Human Rights, focused the discussion on service animals, emotional support animals and if or when tenants should be accommodated.

"In an interview after the seminar, Taylor said she chose the topic because of the growing use of service animals and emotional support animals. 'I think people are realizing just how valuable animals can be, especially with animals who can detect the onset of seizure disorders, diabetic comas, to help those with autism ... I think people realize animals are a resource which are more accessible to people with disabilities,' she said."

"According to information provided by Taylor, service animals and emotional support animals are not considered "pets." Therefore, no additional fees (such as extra rent prices) are allowed..."



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## GOLD

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All the Kentucky Human Rights Commissioners work to raise awareness in their regions and beyond about our work and the importance of equal opportunity and equal treatment under the law.

Above, the Kentucky Black Caucus of Local Elected Officials (KBC LEO) held its annual summit in June 2017. Attending were three Kentucky Human Rights commissioners. At center is past president of KBC LEO Dr. Doris Clark-Sarr; she continues to serve on the board and moderated a panel discussion on education at the event. At left, is Commissioner Timothy W. Thomas, an associate member of KBC LEO. At right is Kentucky Human Rights Commissioner D. Anthony Everett also an associate member of the group. He was named this year as vice-chair of the Board of the Kentucky Human Rights Commissioners. The summit brought together delegates from across Kentucky to address several issues related to civil and human rights in the state and nation.



At left is Commissioner Robert Asseo who in February led the way for the agency's Gallery of Great Black Kentuckians being placed on exhibit in the Cincinnati-Northern Kentucky Airport.

At right, Commissioner Richard Brown in November 2016 spoke to a group of legal professionals in Owensboro about how the Kentucky Civil Rights Act has improved life for Kentuckians.







In October 2016, Kentucky Human Rights Commission organized its 11<sup>th</sup> Annual Kentucky Hispanic, Immigrant, and Refugee Networking Summit. The summit was held at the UK Cooperative Extension Office in Shelbyville, Ky. Approximately 130 people were in attendance. The summit was cosponsored by the University of Kentucky, College of Agriculture, Food and Environment, Cooperative Extension Office; the United States Department of Agriculture; the Lexington Fair Housing Council; the Kentucky State University College of Agriculture Food Science, and Sustainable System; and the Kentucky Labor Cabinet. Above are panel members who presented information on how government and private organizations assist the growing population of people in Kentucky originally from other nations.

## Working Together





Above, Commission Human Rights Specialist John C.K. Fisher in May 2017 spoke to students at Gateway Technical and Community College in Covington, Ky. The students are members of a class led by Dr. Gregory Stewart. John Fisher spoke to the students about the Kentucky Civil Rights Act and how the law protects people's rights in employment, housing, public accommodations and financial credit transactions.

Commission Executive John J. Johnson (center) in March 2017 spoke about the effects of red-lining on Kentucky communities at an education and outreach event held at New Directions in Louisville, Ky. Red-lining is the practice of denying services, either directly or indirectly through selectively raising prices to residents of certain areas based on the racial or ethnic composition of those areas. To his left is panel member Jeana Dunlap of Louisville Forward. Marty Lawler of the Louisville Human Relations Commission is seated on the right.



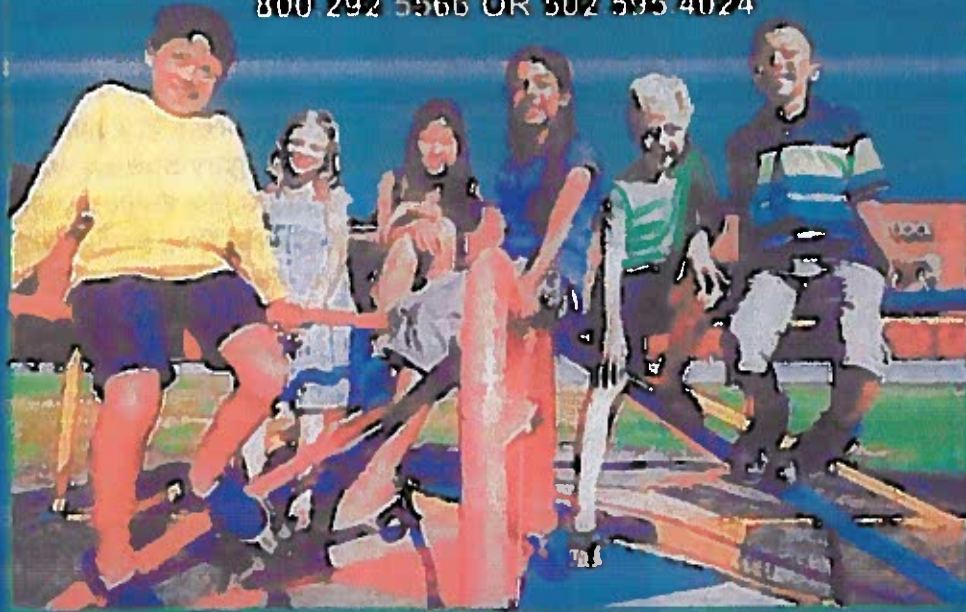
At right, Commission General Counsel Keith Duerr (center) speaks to Catherine Fosl (left), discussion moderator and director of the Anne Braden Center at the University of Louisville. A large crowd attended the event at New Directions to listen to

discussions surrounding fair housing and civil rights issues in Louisville. There was standing room only.





FOR HELP WITH HOUSING DISCRIMINATION  
CALL THE KENTUCKY COMMISSION ON HUMAN RIGHTS  
800 292 5566 OR 502 595 4024



# A ZIP CODE SHOULD NOT DETERMINE A CHILD'S FUTURE.

When you live in a certain zip code, you may not have the same opportunities as someone who lives in another zip code. This is because of housing discrimination. The good news is that there are many ways to overcome your community's past mistakes and give your child the chance to succeed. Call 800 292 5566. You can join a fair housing coalition today.

Find out more at:  
[hud.gov/fairhousing](http://hud.gov/fairhousing)



**NFHA**  
NATIONAL FAIR HOUSING ALLIANCE

FAIR HOUSING. SHARED OPPORTUNITY IN EVERY COMMUNITY.

The commission placed advertisements like this one in print media. This was made possible through a Fair Housing grant we were awarded from the U.S. Department of Housing and Urban Development.



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**Aleata McWilliams, Attorney**

# IT'S NOT EASY TO TURN OFF THE LIGHTS

# IF YOU CAN'T REACH THE SWITCH



The Fair Housing Act requires that most multifamily dwellings built for first occupancy after March 1991 contain accessible light switches, outlets, thermostats, entrances and common areas, as well as usable kitchens and bathrooms. The Act also prohibits discrimination in housing based on disability, race, color, national origin, religion, sex and familial status.

Visit [hud.gov/fairhousing](http://hud.gov/fairhousing) or call the HUD Hotline  
1-800-669-9777 (English/Español) 1-800-927-9275 (TDD)

**For help in Kentucky, call**

## The Kentucky Commission on Human Rights

**1.800.292.5586**

**Fair Housing is your right. Use it!**

[illegible]

# Kentucky Commission on Human Rights

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## Exhibit A