

Commission on Human Rights

KY Human Rights Commission requires disability-accessible sidewalks and curbs on Louisville's Shelbyville Road near St. Matthews Mall

Press Release Date: Wednesday, September 26, 2012

Contact Information: Victoria Stephens

Mobile - 502.641.0760

Headquarters - 1.800.292.5566

TDD - 502.595.4084

At its headquarters in Louisville, Ky., the Kentucky Commission on Human Rights Board of Commissioners on Sept. 20 ruled to accept three conciliation agreements (Details are summarized below). The board dismissed 18 complaints, which after investigation, resulted in findings of no probable cause to believe discrimination occurred. The board ruled to accept 10 complaint withdrawals that gave complainants the right to file private civil suits, and the board ruled to accept two complaint withdrawals wherein the parties reached private settlements once the complaints were filed with the commission.

Conciliation agreements are similar to settlements, but are negotiated by commission enforcement officers and commission attorneys during the course of or after complaint investigation. The following are summaries of the accepted three conciliations mentioned above:

KCHR Case nos. 627-PA, 632-PA, 668-PA and 669-PA, then Kentucky Human Rights Commission Chair Priscilla Johnson et al v. the Kentucky Transportation Cabinet, the City of St. Matthews and the Mall of St. Matthews, in St. Matthews, Ky.: On behalf of an unnamed complainant, then Commissioner Priscilla Johnson on Feb. 1, 2007, alleged the respondents discriminated against the complainants based on the protected class of disability in the area of public accommodations. Johnson claimed the respondents failed to comply with the accommodation provisions of the Kentucky Civil Rights Act (KRS Chapter 344.120-145) and the U.S. Civil Rights Act. The complainants claimed the respondents failed to provide sidewalks and wheelchair-accessible curbing along a portion of Shelbyville Road in front of the Mall between Ten Pen Lane and (then) Sherburne Lane. The commission issued in July 2007 a finding of probable cause to believe discrimination occurred. The parties agreed to resolve the matter with a conciliation agreement. The respondents denied any violation of the law. They affirmed they will comply with civil rights laws and will not discriminate. They agreed to complete the installation of the sidewalk and curb ramps along Shelbyville Road in front of the Mall St. Matthews between the above intersections, which incorporate the current bus stop and sidewalk and crosswalks to the commercial enterprises on the opposite side of Shelbyville Road

near or at the corner of Ten Pin Lane. The respondents agreed to make these installations compliant with U.S. Americans with Disabilities Act specifications. They agreed the construction will be complete by March 30, 2013, and will provide the commission with confirmation that the job is complete. In addition, the Mall has repaved its parking lot bordering Shelbyville Road and installed a curb ramp improving accessibility to the parking lot and to the Transit Authority of River City (TARC) bus stop.

KCHR No. 1490-H, Allison McDuffus v. Michael Clark and Venita Bright, in Frankfort, Ky.: On Jan. 6, 2009, Allison McDuffus alleged that Michael Clark and Venita Bright discriminated against her based on the protected class of race regarding her husband's race in the area of housing. This would be a violation of the Kentucky Civil Rights Act (KRS Chapter 344.360, KRS 344.370 and KRS 344.280) and the U.S Fair Housing Act. McDuffus, who is white, claimed she signed a lease with the respondents in November 2008, and that after the respondents met her husband, who is black, at a later date, they made derogatory remarks to her about her husband and asked her to move from the premises. The commission investigation resulted in the issuance of a probable cause finding to believe discrimination occurred. Prior to further litigation of the complaint, the parties agreed to resolve the matter with a conciliation agreement. Clark and Bright denied any violation of the law and agreed not to discriminate and to compensate McDuffus in the amount of \$3,900. The respondents agreed to undergo fair housing compliance training and compliance monitoring by the commission for three years.

KCHR No. 1534-H, Johnna French v. Georgetown Housing Authority, in Lexington, Ky.: Johnna French on Feb. 16, 2010, alleged the Georgetown Housing Authority discriminated against her based on disability in the area of housing. This would be a violation of the Kentucky Civil Rights Act (KRS Chapter 344.360 and KRS 344.280) and the U.S. Fair Housing Act. French claimed the housing authority refused to accommodate her need for a service animal. The commission issued a finding of probable cause to believe discrimination occurred. Prior to further litigation of the complaint, the parties agreed to resolve the matter with a conciliation agreement. The respondent denied any violation of the law, agreed not to discriminate, and agreed to compensate French in the amount of \$14,000 and compensate the Kentucky Commission on Human Rights in the amount of \$1,000. The Georgetown Housing Authority agreed to reinstate French into its Housing Choice Voucher program, to undergo compliance training and to undergo compliance monitoring by the commission for three years.

In addition, since the commission's August monthly meeting, Executive Director John J. Johnson issued five determinations of probable cause, finding there was basis to believe discrimination occurred. The probable cause determinations were issued in the matters of Carmen Peralta v. Jo An, Inc., KCHR No. 7436-E; Oriselma de la Rodas v. Jo An, Inc., KCHR No. 7267-E; Commissioner Stinson v. Fifth Wheel Bar and Grill, LLC d/b/a Susie's Bottoms Up Bar & Grill, 894-PA; Naquan Thurman v. Fifth Wheel Bar & Grill, LLC, 901-PA; and Naquan Thurman v. Susan M. Riggle, Individually and d/b/a Susie's Bottoms Up Bar & Grill, 902-PA. Additionally, three complaints were forwarded to the commission's legal unit from the investigative unit for processing of probable cause determinations. The commission has not heard from the complainants and respondents in these cases yet as to whether they will choose to resolve the matters with conciliation agreements or if they will choose to move forward with litigation after

which the commission would issue a ruling in each matter that finds the respondents are either liable or not liable for unlawful discrimination.

The commission mediation unit received 30 cases since the August meeting. Of those cases, one complainant and respondent chose mediation. The agency conducted four mediations during this one month period. At its meeting, the commission approved two mediation withdrawals that resulted in settlements and two withdrawals without result. The two without result will proceed to complaint investigation by the commission. According to the law, the discussions and terms of mediations are private. Mediation offers complainants and respondents the opportunity to meet about a discrimination complaint and negotiate in face-to-face with the assistance of a commission neutral mediation attorney.

The Kentucky Commission on Human Rights is the state government authority that enforces the Kentucky and U.S. Civil Rights acts. The Kentucky Civil Rights Act protects people from discrimination in the areas of housing, employment, public accommodations and financial transactions. The law protects people against discrimination based on race, color, religion, national origin, sex, age of 40-years and older in employment, disability, familial status of families with children under age 18 years and pregnant women in housing, and tobacco-smoking status in employment.

Contact the Kentucky Commission on Human Rights for help with discrimination or for more information at 1.800.292.5566. The TDD number for people with hearing impairments or for people who are deaf is 502.595.4084. Visit the website including the Facebook and Twitter sites at www.kchr.ky.gov.