

Commission on Human Rights

KY Human Rights Commission February 2013 rulings on discrimination complaints

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The Kentucky Commission on Human Rights Board of Commissioners at its meeting on February 21 ruled to accept five conciliation agreements, accept two case withdrawals giving complainants the right to file a private suit, accept two case withdrawals with private settlements, and dismiss 10 complaints with findings of no probable cause to evidence that discrimination occurred. Conciliation agreements are similar to settlements and are negotiated by commission investigative and legal staff. The agreements resolve the discrimination complaints.

The following is a summary of the conciliation agreements:

In two individual complaints, Darrell Gossett and Lisa Gossett v. Corpus Realty Company, in Crofton, Ky.: Darrell and Lisa Gossett alleged they were discriminated against in the area of housing based on the protected class of familial status. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. The couple claimed that in July 2012 each spoke by telephone with Corpus Realty about renting one of its properties and was told by employees the company did not want to rent its three bedroom property in Crofton to people with children or to four people. Corpus Realty denied any violation of the law. Before the completion of the commission investigation, the parties chose to resolve the complaint with a conciliation agreement, which the commission negotiated. The respondent affirmed that it complies with fair housing law and agreed to compensate each complainant in the amount of \$5,000. The company agreed to undergo fair housing compliance training and to submit to compliance monitoring by the commission for three years.

Carleen Buschmann v. Eye Associates of Danville PSC, in Danville, Ky.: Carleen Buschmann alleged she was discriminated against by the medical provider in the area of public accommodations on the basis of disability. This would be a violation of the Kentucky and U.S. Civil Rights acts. She claimed that on June 23, 2011, she visited Eye Associates for medical reasons and that while there staff failed to provide her with auxiliary aids (a sign language interpreter). This would be a violation of the Kentucky and U.S. Civil Rights acts. The company denied any violation of the law. The commission issued a notice to the parties that probable cause existed to believe discrimination had occurred. Before the matter proceeded to a final

hearing, the parties chose to resolve the matter with a conciliation agreement, which the commission negotiated. Eye Associates of Danville affirmed that it does and will comply with civil rights laws and will not discriminate against patients based on civil rights protected classes. It agreed to provide to people who are deaf or are hard of hearing appropriate aids and services as required by law. The respondent compensated Buschmann in the amount of \$8,000 and agreed to undergo compliance training and monitoring by the commission for three years.

Tony Merida v. Bank of America and mortgage loan officer Jason Crouch, in Berea, Ky.: Tony Merida alleged she was discriminated against by Bank of America and its loan officer, Jason Crouch, in the area of housing on the basis of disability. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. She claimed that in the spring of 2012, she applied for a housing loan at which time the loan officer told her she would need to provide a letter from her doctor to verify she was eligible to continue to receive disability income. The Bank of America and Crouch denied any violation of the law. Commission investigation found probable cause to believe discrimination had occurred, but before the notice of probable cause was issued by the commission, the parties chose to resolve the matter with a conciliation agreement, which the commission negotiated. The respondent affirmed it does not nor will it discriminate against a person based on disability or other protected classes. It compensated Merida in the amount of \$11,500.

Paige Windham v. Lee and Dee Summerfield, in Prospect, Ky.: Paige Windham alleged that Lee and Dee Summerfield discriminated against her in the area of housing on the basis of familial status. This would be a violation of the Kentucky Civil Rights Act and U.S. Fair Housing Act. She claimed that in November 2011 she inquired about renting a property owned by the Summerfields, and that they refused to rent to her because she had children in the household. The commission issued a notice to the parties that there was probable cause to believe discrimination had occurred. The respondents elected to proceed to circuit court. Two additional complainants were then joined to the complaint, Kelly and Rick Wine. Prior to the matter proceeding to trial, the parties chose to resolve the matter with a conciliation agreement, which the commission negotiated. The respondents denied any violation of the law and affirmed that they do and will comply with civil rights laws and will not discriminate. They compensated the complainants in the amount of \$8,500. The respondents agreed to undergo fair housing compliance training and submit for three years to compliance monitoring by the commission.

The Kentucky Commission on Human Rights is the state authority that enforces for the Commonwealth of Kentucky laws against discrimination. The Kentucky Civil Rights Act protects people from discrimination in the areas of housing, employment, public accommodations and financial transactions. People are protected from discrimination in these areas based on race, color, religion, national origin, disability and gender. In housing, people are further protected on the basis of familial status, which covers women who are pregnant and families with children under age 18 in the household. In employment, people are further protected based on age (40-years and over) and on tobacco-smoking status.

For more information or help with discrimination, contact the commission at 1.800.292.5566. The TDD telephone number is 502.595.4084. Visit the website for detailed information on the law and the commission's activities at kchr.ky.gov. From the homepage, link to the Facebook and Twitter pages, which provide civil rights-related news and announcements.