

Commission on Human Rights

KY Human Rights issues Discrimination Rulings including Susie's Bottoms Up bar in Raywick

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Louisville, Kentucky (August 15, 2013) – The Kentucky Commission on Human Rights Board of Commissioners met today at Louisville headquarters to rule on discrimination complaints for the Commonwealth of Kentucky.

The commission ruled to approve five conciliation agreements, 11 case withdrawals resolved with private settlements, seven case withdrawals giving complainants the right to file private suits, 30 complaint dismissals with findings of no probable cause to evidence that discrimination may have occurred, and five successful mediations with private terms resulting from meetings between the complainants and respondents under the guidance of a commission attorney.

Conciliation agreements are similar to settlements and are negotiated by commission investigative and legal staff. The agreements resolve the discrimination complaints. The following are summaries of the five conciliation agreements accepted at the meeting:

Michelle Kent v. Richard Buttorff in Peewee Valley, Ky.: Michelle Kent alleged Richard Buttorff discriminated against her on the bases of sex (female) and familial status (children under the age of 18 years old in the household) in the area of housing. This would be a violation of the Kentucky and U.S. Fair Housing acts. Buttorff denied any violation of the law. Before the completion of the commission investigation of the complaint, the parties decided to resolve the matter with a conciliation agreement. Buttorff affirmed he does and shall comply with civil rights law including fair housing law. He agreed to compensate Kent in the amount of \$6,000, undergo fair housing compliance training, and submit to compliance monitoring by the commission for three years.

Mike J. Young v. Comprehensive Neurological Services PLLC (c/o William Hogancamp, registered agent) in Paducah, Ky.: Mike Young alleged that Comprehensive Neurological Services discriminated him on the basis of disability in the area of public accommodations. This would be a violation of the Kentucky and U.S. Civil Rights acts. Young claimed that in May 2011, the respondent said it refused to provide an American Sign Language Interpreter for an

appointment that his sister attempted to schedule for him. The respondent denied any violation of the law and asserted it did not discriminate against Young. The commission issued a determination of probable cause, which indicates there is sufficient evidence to believe discrimination may have occurred. The respondent did not appear for a hearing on the matter, and as a result the hearing officer entered an order of default in favor of the complainant in June 2013. However, before the matter proceeded to a final recommended order, the parties decided to resolve the matter with a conciliation agreement. The respondent affirmed that it does and shall comply with civil rights laws and agreed to provide to individuals who are deaf or hard of hearing appropriate auxiliary aids and services including qualified interpreters and to place civil rights compliance practices in its written policy. The company agreed to compensate Young in the amount of \$15,000, undergo compliance training, and submit to compliance monitoring by the commission for three years.

In three separate complaints:

- (1) George Stinson, chair, Kentucky Commission on Human Rights, v. Fifth Wheel Bar and Grill LLC (doing business as Susie's Bottoms Up Bar and Grill) and Susan M. Riggle (individually and doing business as Susie's Bottoms Up Bar and Grill), in Raywick, Ky.;
- (2) Naquan Thurman v. Fifth Wheel Bar and Grill LLC (doing business as Susie's Bottoms Up Bar and Grill), and Broken Spoke Bar and Grill LLC and Chris Gribbins (individually and doing business as Broken Spoke Bar and Grill), in Raywick, Ky.;
- (3) and, Naquan Thurman v. Susan M. Riggle (individually and doing business as Susie's Bottoms Up Bar and Grill), and Broken Spoke Bar and Grill LLC and Chris Gribbins (individually and doing business as Broken Spoke Bar and Grill) in Lebanon, Ky.

The above three complaints alleged that discrimination took place based on race in public accommodations on April 5, 2012. This would be in violation of the Kentucky and U.S. Civil Rights acts. It came to the attention of the Kentucky Commission on Human Rights that an incident was captured on a digital recorder in which a number of African Americans appeared to be denied access to Susie's Bottoms Up Bar and Grill. On April 30, 2012, George Stinson, chair of the Kentucky Commission on Human Rights, initiated a commission complaint against the establishment and its owner. On July 10, 2012, Naquan Thurman, an African American who was allegedly denied access to Susie's during the incident, filed a complaint against the establishment and its owner, Susan M. Riggle. In his complaint, Thurman claimed: "I am a black male residing in Hodgenville, LaRue County, Ky. On April 5, 2012, the respondent's door attendant denied me entrance into the respondent's establishment and told me that 'no blacks' were being allowed in that evening." Later, after Susie's was sold, Thurman amended his two complaints to include the new purchasers, Chris Gribbins and Broken Spoke Bar and Grill, LLC, as potentially liable parties. As the result of the commission investigation, it was determined that probable cause existed to believe that unlawful discrimination may have occurred at Susie's against Thurman. The cases were set for an administrative hearing in September 2013. Since all three cases arose out of the same basic facts and circumstances, they were consolidated for purposes of further litigation. Prior to the hearing, the parties decided to resolve the matters with conciliation agreement. The respondents affirmed they will not discriminate against any individual based on any protected class and shall comply with the

Kentucky and U.S. Civil Rights acts. They agreed to compensate Naquan Thurman in the amount of \$10,000.00 for damages, including embarrassment and humiliation. (This compensation was paid by Riggle. The respondents, Fifth Wheel Bar and Grill, LLC and Susan M. Riggle, (Individually and d/b/a Susie's Bottoms Up Bar & Grill, LLC) each agreed to submit to civil rights law compliance monitoring by the commission stating whether they are engaged in any business enterprise consisting of serving food or drink or providing entertainment to the public. If they are, or become so engaged, they must report any claims of discrimination and submit to anti-discrimination training.

The Kentucky Commission on Human Rights is the state authority that enforces the Kentucky and United States Civil Rights acts, which make discrimination illegal. The Kentucky Civil Rights Act protects people from discrimination in the areas of employment, public accommodations, housing, and financial transactions. It prohibits discrimination on the bases of race, color, religion, national origin, disability and gender in all the above areas. It additionally protects people on the basis of familial status in the area of housing, which covers families with children in the household under age 18-years old and covers women who are pregnant. The bases of age, 40-years old and over, and tobacco-smoking status, are additionally protected in the area of employment. It is against the law to retaliate against any person who complains of discrimination to the Kentucky Commission on Human Rights.

For help with discrimination, contact the commission at 1.800.292.5566. The TDD telephone number is 502.595.4084. Visit the website at kchr.ky.gov. From there, link to the commission Facebook or Twitter sites to read news about protected class issues and announcements of commission and their partners' activities.