

# Commission on Human Rights

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## **Kentucky Commission on Human Rights makes Rulings on Discrimination Complaints**

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Thursday, May 15, 2014, Louisville, Kentucky USA – The Kentucky Commission on Human Rights Board of Commissioners met today to rule on discrimination complaints for the people of Kentucky. The meeting was held at commission headquarters in downtown Louisville, Ky.

The commission ruled to approve two conciliation agreements; in both, the commission determined there was sufficient evidence to believe unlawful discrimination may have occurred. Prior to the matters proceeding to hearing or trial, the parties chose to resolve the complaints with conciliation agreements.

The commission ruled to accept one case withdrawal resolved with a private settlement, six case withdrawals giving complainants the right to file private suits, and six complaint dismissals with findings of no probable cause to evidence that discrimination occurred.

Conciliations are similar to settlement agreements and are negotiated by the commission representatives. Respondents participating in the agreements deny any allegations of unlawful discrimination and violations of civil rights law. Following is a summary of the conciliation agreements approved at the meeting:

Tonya Blackburn v. Roy Lewis, in Frankfort, Ky.: Tonya Blackburn with the assistance of the Lexington, Ky., Fair Housing Council complained to the commission on Aug. 9, 2013, that Ron Lewis discriminated against her based on sex in the area of housing. This would be a violation of the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344), the U.S. Civil Rights Act, and their respective Fair Housing acts. Blackburn alleged that Lewis terminated her tenancy due to her rejection of his sexual advances and sexual harassment. The commission determined evidence was sufficient to establish that probable cause existed to believe the respondent may have unlawfully discriminated against the Blackburn on the basis of sex. Accordingly, the commission issued a probable cause determination on March 11, 2014. Prior to the matter proceeding to a hearing or trial, the parties chose to resolve the complaint with a conciliation

agreement. Lewis agreed to compensate Blackburn in the amount of \$5,000, confirmed it will comply with civil rights laws, which prohibit sexual harassment and other discrimination, and agreed to undergo sexual harassment training and also make sexual harassment training available to his rental tenants. He shall submit to fair housing law compliance monitoring by the commission for three years.

Deborah Harris on behalf of a child under age 18-years old v. Kenton Lakes Sportsplex LLC c/o William Martz, in Morning View, Ky.: Deborah Harris of Mansfield, Ohio, complained to the commission on May 23, 2011, that Kenton Lakes Sportsplex discriminated against her minor child on the basis of disability in the area of public accommodations. This would be a violation of the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344) and the U.S. Americans with Disabilities Act (ADA). The Respondent "Sportsplex" is a public accommodation which provides a venue for sporting events. Harris claimed the company in April 2011 did not provide adequate disability parking nor did it provide disability access to restrooms for individuals while her family was there for a baseball tournament. She further claimed the minor child was subjected to verbal harassment and humiliation by a Sportsplex representative when Harris requested the use of an office restroom for the individual since it had space enough for a wheelchair. After investigation, the commission determined evidence was sufficient to establish that probable cause existed to believe the respondent may have unlawfully discriminated against the individual on the basis of disability. Accordingly, the commission issued a probable cause determination on February 14, 2014. After an on-site inspection of the respondent's Sportsplex facility by the Kentucky Office of the Americans with Disabilities Act, the respondent entered into an ADA Transition Plan, which identified accessibility deficiencies and provided a time period to bring such deficiencies into compliance with ADA accessibility standards. The parties then chose to resolve the complaint with a conciliation agreement. The respondent compensated the complainant in the amount of \$7,500, confirmed it complies with civil rights law, and shall undergo compliance training and submit to compliance monitoring by the commission for three years.

The Kentucky Civil Rights Act makes it illegal to discriminate against people in the areas of employment, financial transactions, housing and public accommodations. Discrimination is prohibited based on race, color, religion, national origin, gender, and disability. In employment, discrimination is further prohibited on the basis of age (40-years and over) and tobacco-smoking status. In housing, discrimination is further prohibited based on familial status, which protects people with children in the household under the age of 18-years old and protects women who are pregnant.

For more information, contact the commission at 1.800.292.5566. For details about civil rights and commission activities, visit the website at [kchr.ky.gov](http://kchr.ky.gov). For news about civil rights and information pertaining to protected classes, visit the Kentucky Commission on Human Rights Facebook and Twitter sites.