

# Commission on Human Rights

## KY Human Rights Commission issues Discrimination Complaint Rulings for August 2015

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Aug. 20, 2015 Louisville, Kentucky USA – The Kentucky Commission on Human Rights Board of Commissioners at its regular meeting on August 20 at the Louisville, Ky., headquarters, ruled upon discrimination complaints for the people of the Commonwealth of Kentucky.

The commission ruled to accept five conciliation agreements and accept 14 case withdrawals that were resolved with private settlements after respondents were made aware complaints had been filed with the commission. The board accepted 13 case withdrawals giving complainants the right to file private suits and ruled to dismiss 40 complaints with findings of no probable cause to evidence discrimination may have occurred. The commission resolved eight cases through mediation. The mediation closures resulted in a total of \$462,140 for complainants, and non-monetary settlements, which included a letter of apology and promise not to discriminate; removal of write-ups and a first shift job; transfer to new school with bus transportation, and sensitivity training for bus drivers, teachers and administrators. Mediations are legally private sessions held face-to-face between complainants and respondents and led by a commission attorney.

Conciliation agreements are similar to settlements and are negotiated by commission officials during the course of investigation of charges of alleged discrimination. The following are conciliations agreements ruled upon and accepted during the August meeting:

**Lexington Fair Housing Council Inc. v. Hill Valley Apartments Inc. in Bowling Green, Ky.:** In December 2014, the Lexington Fair Housing Council complained to the commission, alleging that Hill Valley Apartments was inaccessible to individuals with disabilities. These allegations of discrimination based on **disability in the area of housing** would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. The Lexington Fair Housing Council alleged that disability inaccessibility was discovered during its investigation of Hill Valley Apartments. Hill Valley denied any violation of the law and asserted that no applicants had needed accessible features and that it would address a disabled tenant's right to equal access on the property if the need arose. Before the commission's own investigation was complete, the parties chose to resolve the complaint with a conciliation agreement. Hill Valley agreed to install curb cuts to

provide a disability accessible route to each of the property's covered dwellings, acquire a dumpster with an opening that is 54 inches or lower and place it on a disability accessible route for residents with access needs, install environmental controls at the appropriate height (48 inches from the finished floor) in each of the property's ground floor units, and allow the Lexington Fair Housing Council to perform an on-site visit at a mutually agreed upon time to review the design and construction changes. Hill Valley agreed to undergo fair housing compliance training and submit to commission compliance monitoring. The Lexington Fair Housing Council is a fair housing organization that has a mission to promote equal housing opportunities in Kentucky. The 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.

**Bobbie James v. Highland Courts Apartments, Kevin Childress, Janet Lee, Jeff Underhill and Todd Underhill in Louisville, Ky.:** In February 2015, Bobbie James complained to the commission, alleging that Highland Courts Apartments and the other respondent parties discriminated against her based on **disability in the area of housing**. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. James alleged that at the rental property where she resided at 1720 Richmond Drive in Louisville, the respondents denied her a reasonable accommodation, that of adequate disability parking for a handicap accessible van. Property Manager Janet Lee provided a response on behalf of all the respondents, denying any allegation of unlawful discrimination or violation of the law, and asserting the respondents did provide James with the reasonable accommodation of a disability parking space. During the course of the commission investigation, the parties chose to resolve the matter with a conciliation agreement. Highland Courts et al agreed to assign James an accessible parking place and permit her to call a towing service if others park in her assigned space. The respondents agreed to undergo fair housing training and be subject to commission compliance monitoring. The 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.

**Clay and Susan Horn v. Nature's Trace Homeowners Association Inc. in Lancaster, Ky.:** In August 2012, Clay and Susan Horn complained to the commission, alleging that Nature's Trace Homeowners Association discriminated against them based on **disability in the area of housing**. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. The Horns claimed that at the property they own on Sylvan Way in a subdivision operated by the homeowners' association in Lancaster, the respondent denied the Horns a reasonable accommodation request by not permitting them to install on the Horns' property an above-ground pool for physical therapy purposes. The respondent denied any violation of unlawful discrimination or of any law and asserted it had enforced the subdivision restrictions that prohibited the installation of above-ground pools on any lot within the subdivision. The

respondent asserted it had no authority to grant the Horns the accommodation that the Horns requested. The parties have now chosen to resolve the matter with a conciliation agreement. Nature's Trace Homeowners Association agreed that it will not contest or seek to impede the complainants from installing an above-ground pool on the complainants' property on Sylvan Way. The Horns agreed they will remove the pool before selling or transferring ownership of the property. The 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.

**Anne Keenan v. Rod Hatfield Chrysler Dodge Jeep Ram LLC in Winchester, Ky.:** In May 2013, Anne Keenan complained to the commission, alleging that Rod Hatfield Chrysler Dodge Jeep Ram in Winchester discriminated against her based on **disability in the area of public accommodations**. This would be a violation of the Kentucky Civil Rights Act and the U.S. Civil Rights Act. Keenan claimed that due to a disability she made a reasonable accommodation request to the car dealership to communicate with her by mail about her interest in purchasing from the company a vehicle. She alleged the company denied and then ignored her request. Upon investigation, the commission issued a finding of probable cause to believe discrimination may have occurred. Prior to the matter proceeding to a final hearing, the parties chose to resolve the matter with a conciliation agreement. The respondent denied any violation of the law. The company agreed that it does and shall comply with civil rights law. It agreed to adopt a written non-discrimination policy and to refrain from unlawful discrimination. It agreed to outline a procedure for receiving and responding to requests for reasonable modifications or auxiliary aids or serves. It agreed to undergo civil rights compliance training and submit to commission compliance monitoring. The company agreed to compensate Keenan in the amount of \$3,000. The 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 the United States Civil Rights Act, et. seq. all of which are specifically denied. The parties acknowledge that the conciliation is a compromise of disputed claims.

**Jessica and Renee Terry v. Danny and Barbara Rock in Beaver Dam, Ky.:** In September 2014, Jessica and Renee Terry, daughter and mother, complained to the commission, alleging that their landlords at the time, Danny and Barbara Rock, discriminated against the Terrys based on **disability in the area of housing**. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. The Terrys claimed the Rocks denied Jessica a reasonable accommodation for a disability. Specifically, the Terrys alleged that the Rocks allowed Jessica and a disability support animal to reside at the property with Renee for 30 days after which the respondents informed Jessica she could stay for two weeks and that the service animal had to be removed. The Terrys alleged to the commission that thereafter the women received a notice to vacate the apartment and that they subsequently moved to another residence. Danny and Barbara Rock denied any violation of the law. The commission issued a finding of probable cause, indicating a belief that discrimination may have occurred. Before the complaint proceeded to a final hearing, the parties chose to resolve the matter with a conciliation

agreement. The Rocks affirmed that they comply with fair housing and civil rights law and that they do and shall refrain from committing unlawful discrimination. The respondents agreed to compensate the Terrys in the amount of \$4,828. . The 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.

The Kentucky Commission on Human Rights is the state government authority that enforces the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344), and, through its affiliations with the U.S. Equal Employment Opportunity Commission and the U.S. Dept. of Housing and Urban Development, enforces federal civil rights laws.

The Kentucky Civil Rights Act makes it unlawful to discriminate against people in the areas of employment, financial transactions, housing and public accommodations. Discrimination is prohibited in the aforementioned areas 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 on the basis of 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 it protects women who are pregnant. It is also a violation of the law to retaliate against a person for complaining of discrimination to the commission.

For help with discrimination, contact the commission at 1.800.292.5566. For information about the commission and civil rights, visit the website at [www.kchr.ky.gov](http://www.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. Directly link to the sites from the commission website address listed above.