

# Kentucky Commission on Human Rights

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

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For help with discrimination, contact commission headquarters: 1.800.292.5566

The Kentucky Commission on Human Rights Board of Commissioners at its regular meeting on November 19 at the Louisville, Ky., headquarters, ruled upon discrimination complaints for the people of the Commonwealth of Kentucky.

The commission ruled to approve four conciliation agreements. The board ruled to approve three case withdrawals that were resolved with private settlements after respondents were made aware complaints had been filed with the commission. The board accepted two case withdrawals giving complainants the right to file private suits and ruled to dismiss 33 complaints with findings of no probable cause to evidence discrimination may have occurred. The commission resolved three cases through mediation with private agreements. 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 conciliation agreements ruled upon and accepted during the November meeting:

**Lexington Fair Housing Council Inc. v. Victor and Rachel Cordle, in Raceland, Ky.:** In August 2015, the Lexington Fair Housing Council complained to the commission, alleging that Victor and Rachel Cordle, owners of a rental property at 58 Racetrack Hill in Raceland, Ky., discriminated against individuals with disabilities in the area of housing. This would be a violation of the Kentucky Civil Rights Act (KRS Chapter 344) and the U.S. Fair Housing Act. The Lexington Fair Housing Council claimed it conducted an investigation that revealed the property owners refused to rent to individuals with emotional support animals. The Cordles denied any violation of the law and asserted it would not charge a person with a disability a pet fee for an emotional support animal. Before the commission's own investigation resulted in a determination, the parties chose to resolve the complaint with a conciliation agreement. The respondents agreed to compensate the Lexington Fair Housing Council in the amount of \$250. They agreed to revise their lease contracts to include a fair housing statement. They agreed to undergo fair housing law compliance training and submit to commission compliance monitoring. The Lexington Fair Housing Council is a fair housing organization that operates 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.

**Karen Millsap v. Dr. Gordon Guthrie, in Lexington, Ky.:** In May 2015, Karen Millsap complained to the commission that Dr. Gordon Guthrie discriminated against her based on disability in the area of public accommodations. This would be a violation of the Kentucky and U.S. Civil Rights acts. Millsap claimed that after making a medical appointment with Guthrie's office, she later called to confirm that an American Sign Language Interpreter would be present for her appointment and was told one would not be provided and that she should find another doctor. Guthrie denied any allegations of violation of the law. The commission issued a probable cause determination, indicating there was evidence to believe that discrimination may have occurred. Prior to the matter proceeding to a final hearing, the parties chose to resolve the complaint with a conciliation agreement. The respondent affirmed that he does and shall comply with civil rights law. He agreed to provide auxiliary aids and services where necessary to ensure effective communication unless an undue burden or a fundamental alteration would result. He agreed to adopt a written policy explaining his office shall provide such aids and services, including qualified interpreters. He agreed to compensate Millsap in the amount of \$6,000. He agreed to submit to commission compliance monitoring for one year. 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.

**Pamela James v. Licking Riverview Inc., in West Liberty, Ky.:** In April 2015, Pamela James complained to the commission that Licking Riverview located at 328 Oscar Ln., in West Liberty, 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) and the U.S. Fair Housing Act. James claimed the landlord refused to permit her to keep an emotional support animal in her apartment as a reasonable accommodation for a disability. She claimed she was told there was a 'no pets' policy. She claimed that after she made the request for a support animal, the respondent engaged in harassing behavior in retaliation against James for making the reasonable accommodation request. Riverview denied all allegations of violation of the law. Prior to the commission's issuance of a determination of probable cause, which would indicate there is evidence to believe discrimination may have occurred, the parties chose to resolve the matter with a conciliation agreement. The respondent compensated James in the amount of \$4,000, affirmed that it does and shall comply with civil rights law, agreed to undergo fair housing law compliance training, and agreed to submit to commission compliance monitoring for three years. 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.

**Corrine Penrod v. Maverick Group LLC doing business as Glen Royal Apartments, in Fort Thomas, Ky.:** In October 2014, Corrine Penrod complained to the commission that Glen Royal Apartments located at 200 Water Works Rd., in Fort Thomas, discriminated against her based on familial status (or, family status) in the area of housing. This would be a violation of the Kentucky Civil Rights Act (KRS Chapter 344) and the U.S. Fair Housing Act. She claimed that Glen Royal Apartments refused to rent her a single bedroom apartment, for which she was otherwise qualified, because of her pregnancy. The respondent denied all allegations of violation of the law. Before the commission issued a determination of probable cause indicating there was evidence to believe discrimination may have occurred, the parties chose to resolve the matter with a conciliation agreement. Glen Royal agreed to compensate Penrod in the amount of \$4,000. It affirmed that it does and shall comply with civil rights law. The respondent also agreed to undergo fair housing training and submit to compliance monitoring by the

commission for two years. 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.