

Kentucky Commission on Human Rights

Kentucky Commission on Human Rights issues rulings on discrimination complaints for September 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 Sept. 17, ruled upon discrimination complaints for the people of the Commonwealth of Kentucky. The commission held its meeting at Louisville headquarters located at 332 W. Broadway.

The commission ruled to approve five conciliation agreements. It ruled to accept two case withdrawals after they were resolved through private settlements. The commission accepted six complaint withdrawals giving complainants the right to file private suits, and it ruled to dismiss nine complaints with findings of no probable cause to evidence discrimination may have occurred.

Jennifer Green v. MNM LLC and Mark Fuqua in Bowling Green, Ky.: Jennifer Green alleged to the commission in October 2014 that the respondents discriminated against her because of her daughter's race (biracial) in the area of housing. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. Green claim MNM and Mark Fuqua offered her different terms than they offered all-white families upon taking ownership of the rental properties. Before the commission issued a determination of probable cause, which states there is evidence to believe discrimination may have occurred, the parties chose to resolve the matter with a conciliation agreement. The respondents denied any violations of the law. They compensated Green in the amount of \$3,000, agreed to undergo fair housing law compliance training, and submit to compliance monitoring by the commission 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.

Alberto Santiago v. New Directions Housing Corporation doing business as St. Williams Apartments in Louisville, Ky.: Alberto Santiago alleged to the commission in October 2014 that the respondents discriminated against him based on his race and national origin (black and Hispanic) and on the basis of disability in the area of housing. He claimed that St. Williams Apts. refused to permit him to install a

wheel chair ramp to and from his apartment as a reasonable modification for a disability. He claimed that part of his discrimination occurred because he was dating someone of a race different than his own. The respondent denied any violation of the law. Before the commission issued a probable cause determination, the parties chose to resolve the matter with a conciliation agreement. The respondents compensated Santiago in the amount of \$7,000, and agreed to undergo housing law compliance training and submit to compliance monitoring by the commission 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.

Lexington Fair Housing Council Inc. v. The Ascent at Roebling's Bridge LLC and Sotheby's International Realty in Covington, Ky.: The complainant alleged to the commission that the respondents discriminated based on familial status in the area of housing by placing internet advertisements that asked for owners who did not have children in the household. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. The respondents denied any violation of the law. They asserted there are persons under the age of 18 years old living on site as well as a family that is expecting its first child and persons who have their children and grandchildren visit for extended periods of time. Prior to a determination, the parties chose to resolve the matter with a conciliation agreement. The respondents agreed to make a donation of \$10,000 to a children's charity, to revise their advertisements appropriately, to commit no wrongdoing, to undergo compliance training and submit to compliance monitoring by the commission. 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 Clem v. LJH Properties LLC and Kathy Nall in Pikeville, Ky.: Karen Clem complained to the commission in July 2015 that the respondents discriminated against her based on her familial status in the area of housing. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. She claimed the respondent refused to rent her an apartment because her infant son may disturb the neighbors. The respondents denied any violation of the law. Before the commission issued a formal charge of discrimination, the parties chose to resolve the matter with a conciliation agreement. The respondents agreed to compensate Clem in the amount of \$3,160. They said they are in the process of ceasing rental businesses, however, if they continue they will be required per the agreement to undergo compliance training and monitoring by the commission. 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.

Timothy Owens v. University of Louisville Hospital in Louisville, Ky.: Timothy Owens complained to the commission in December 2013 that the University of Louisville Hospital discriminated against him based on disability in the area of public accommodations. This would be a violation of the Kentucky and U.S.

Civil Rights acts. He claimed the respondent failed or refused to provide him with auxiliary aids or services (sign language interpreters) during appointments with, and admission to, the hospital, and denied him therefore of full enjoyment of the respondent's services. The respondent denied any violation of the law. In May 2015, 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 compensated Owens in the amount of \$3,000, agreed to seek feedback from deaf patients through surveys on the effectiveness of communication services they received from the hospital for a period of two years, hold community outreach meetings at least twice in the future 12 months that will be advertised to deaf patients, provide training to employees on providing reasonable accommodations to patients with hearing impairments 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 or ask the commission to file a discrimination complaint for you, contact the commission at 1.800.292.5566. For information about the commission and civil rights, visit the website at 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.