



Commonwealth of Kentucky

## Kentucky Commission on Human Rights

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Press Release

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For help with discrimination, contact commission headquarters: 800.292.5566

### Kentucky Commission on Human Rights issues May 2017 discrimination complaint rulings

LOUISVILLE, Ky. – The Kentucky Commission on Human Rights Board of Commissioners at its May 18 regular meeting ruled on discrimination complaints for the people of the Commonwealth of Kentucky. The public meeting was held at commission headquarters in downtown Louisville.

The commission approved: four conciliation agreements between complainants and respondents; one case in which a private settlement was reached during the course of investigation or after the respondent learned a complaint had been filed with the commission; two cases withdrawn without settlement and for which the complainants were given the right to file private suits against the respondents; and, 21 complaint dismissals with findings of no probable cause to evidence that discrimination may have occurred. During the last month, the commission mediated three cases.

Conciliation agreements may occur at any point after a complaint is filed. The agreements are similar to settlements. They are negotiated by the commission. The commission mediates cases for complainants and respondents who choose to do so rather than undergo a commission investigation. The sessions consist of face-to-face discussion and negotiation with the presence and under the guidance of a commission mediator.

**Amanda Milby v. Todd Grizzle and Morris Grizzle, in Georgetown, Ky.:** Amanda Milby in March 2016 complained to the commission alleging Todd and Morris Grizzle discriminated against her and her minor-age child based on the protected class of disability in the area of housing. This would be a violation of the Kentucky (Kentucky Revised Statutes Chapter 344) and U.S. Civil Rights acts. Milby claimed her landlords failed to provide a reasonable accommodation to permit her and her child to have support animals. An investigation by the commission resulted in preparation of determining probable cause existed to believe discrimination may have occurred. Before the determination was issued, the parties chose to resolve the complaint with a conciliation agreement. The respondents denied any violation of the law. They agreed to compensate Milby in the amount of \$20,000, comply with non-discrimination laws, and to make reasonable accommodations in their rules, policies and practices. The landlord will undergo fair housing law compliance training and submit to law compliance monitoring by the commission for three years. The 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 these conciliations are a compromise of disputed claims.

**Victoria Bandy v. Housing Authority of Covington, in Covington, Ky.:** Victoria Bandy in January 2017 complained to the commission alleging her landlord discriminated against her on the basis of the protected class of sex or gender in the area of housing. This would be a violation of the Kentucky Civil Rights Act fair housing law section and the U.S. Fair Housing Act. Bandy claimed after making some phone calls for police protection when she believed she and her family had their physical safety threatened in a matter of domestic affairs, the Housing Authority of Covington moved to evict her as a tenant. The Housing Authority of Covington denied the allegations and asserted it did not attempt to evict Bandy based on sex. Before the commission made a determination, the parties chose to resolve the complaint with a conciliation agreement. The landlord agreed to dismiss the eviction. Bandy agreed the activities of all household members and guests or any other persons on the premises under the resident's control are the responsibility of the leaseholder. The housing authority agreed it does not have a policy against individuals calling the police for protection and that tenants will not be evicted because they have made calls to the police. Bandy agreed she is responsible for paying the balance of her rent. The 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 these conciliations are a compromise of disputed claims.

**Yvonne Brown v. Taste of China, Inc., in Winchester, Ky.:** Yvonne Brown in October 2014 complained to the commission alleging Taste of China discriminated against her based on disability in the area of public accommodations, in this case a restaurant. This would be a violation of the Kentucky and U.S. Civil Rights acts. She claimed Taste of China did not allow her to eat in the restaurant because she was accompanied by a service dog. In March 2016, the commission determined there was probable cause to believe discrimination may have occurred. Before the case proceeded to a final hearing, the parties chose to resolve the matter with a conciliation agreement. Taste of China in Winchester admits no wrongdoing or violation of the law. It agreed to compensate Brown in the amount of \$5,000. It affirmed it does and shall comply with civil rights law, including not discriminating against any individual in the full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations on the basis of race, color, religion, national origin, sex, or disability. It will make reasonable modifications in policies, practices, or procedures when necessary to afford the goods and services to individuals with disabilities, unless to do so would result in an undue burden or a fundamental alteration of the nature of its goods or services. It agrees to reasonably modify its policies to permit equal access to individuals with disabilities who are accompanied by service animals. The respondent will undergo civil rights compliance training. The agreement does not constitute an admission of liability or wrongdoing, including but not limited to, any violation of the Kentucky Civil Rights Act or U.S. Civil Rights Act, all of which are specifically denied. The parties acknowledge that these conciliations are a compromise of disputed claims.

**Cindy House obo minor child v. Danville Dance Co. LLC., in Danville, Ky.:** Cindy House in June 2015 complained to the commission alleging that Danville Dance Company discriminated against her and a minor-age child based on disability in the area of public accommodations. This would be a violation of the Kentucky and U.S. Civil Rights acts. She claimed the company failed to allow her minor child the reasonable modification of wearing particular shoes in order to participate in dancing at its facility. In July 2016, the commission determined there was probable cause to believe discrimination may have occurred. Before proceeding to a final hearing, the parties chose to resolve the complaint with a conciliation agreement. Danville Dance Company admits no wrongdoing or violation of the law. The company agreed to compensate House as guardian of her minor child in the amount of \$15,000. The company agreed to

continue to comply civil rights law and to make reasonable modifications in policies, practices, and procedures when necessary to afford its goods, services, and facilities to individuals with disabilities, unless to do so would result in an undue burden or a fundamental alteration of the nature of respondent's goods, services, or facilities. The agreement does not constitute an admission of liability or wrongdoing, including but not limited to, any violation of the Kentucky Civil Rights Act or U.S. Civil Rights Act, all of which are specifically denied. The parties acknowledge that these conciliations are a compromise of disputed claims.

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

A person who believes he or she may be a victim of unlawful discrimination should contact the commission and ask to make a discrimination complaint. The commission investigates, mediates, reaches settlement-type agreements called conciliation agreements, and rules upon and issues final orders on complaints with the authority of a court of law.

The Kentucky Civil Rights Act makes it unlawful to discriminate against people in the areas of employment, financial credit transactions, housing and public accommodations.

Discrimination is prohibited in these 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 reporting or alleging discrimination.

For help with discrimination or to make a discrimination complaint, contact the commission at 800.292.5566. To learn more about civil rights, read the brochures that provide further information by following this link: <http://kchr.ky.gov/reports/Pages/brochures.aspx>

The commission also provides civil rights compliance or awareness training to employers, housing providers, organizations, community groups, and others. Call to ask for a training session.