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BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR )  
HUMAN RIGHTS, PAULA M. HALEY, )  
EXECUTIVE DIRECTOR, *ex rel.* )  
DEEANA JUSTICE, )  
Complainant, )  
v. )  
PACIFIC RIM ASSOCIATES I, INC., d/b/a )  
REGENCY FAIRBANKS HOTEL, )  
Respondent. )

ASCHR No. J-11-255

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Deena Justice, hereby alleges the following against Respondent Pacific Rim Associates I, Inc.:

1. Respondent Pacific Rim Associates I, Inc. is an Alaska corporation that owns and operates the Regency Fairbanks Hotel (referenced as "Regency"), a hotel accommodation located at 95 10<sup>th</sup> Avenue in Fairbanks.
2. Regency hired Deena Justice as a front desk manager on or about August 12, 2010. Ms. Justice was given a raise in pay for satisfactory performance in November 2010. Ms. Justice was retained on call for work purposes all seven days per week. Ms. Justice would sometimes work until 11:00 at night and then be required to return to work at Regency at 7:00 the next morning.
3. During the time Ms. Justice worked at Regency, Tony Phillips also worked

1 at Regency as a bell captain on the hotel staff. Tony Phillips subjected Ms. Justice and  
2 other female employees to unwelcome, offensive, and explicit comments and touching  
3 of a sexual nature on a daily or frequent basis. Regency's general manager, Dustin  
4 Adams, was aware that Tony Phillips sexually harassed female employees and otherwise  
5 behaved in an inappropriate manner on the hotel premises.  
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8 4. In or about February 2011 one or more female employees reported to Ms.  
9 Justice that such sexual harassment was being perpetrated by Tony Phillips. In turn, Ms.  
10 Justice, as the front desk manager, then informed Dustin Adams of the sexual  
11 harassment and reports, but Regency failed to undertake investigation and corrective  
12 action.  
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14 5. There was and is an on-site restaurant, including food catering service,  
15 inside the Regency premises. At all relevant times, the restaurant and food service were  
16 managed by Ryan Bush and/or Tubby's BBQ, LLC, as permitted by a business  
17 arrangement with Regency.  
18

19 6. In approximately May or June 2011 another female employee who worked  
20 some days in the on-site restaurant and other days at the hotel front desk complained to  
21 Ms. Justice that Ryan Bush had subjected her to offensive sexual comments. Ms. Justice  
22 and this employee together reported the information to Dustin Adams and  
23 to another Regency manager, Toni Shover. Regency failed to undertake investigation  
24 and corrective action in response to this complaint. Regency instead instructed the  
25 complaining employee to work another two weeks at the hotel restaurant with or under  
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**ACCUSATION - Page 2**

*ASCHR, Paula M. Haley, Executive Director, ex rel. Deeana Justice v. Pacific Rim Associates I, Inc., d/b/a Regency Fairbanks Hotel; ASCHR No. J-11-255*

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Ryan Bush before Regency would consider the employee's request for full transfer to the front desk.

7. After observing Regency's inaction after she had forwarded the complaints of sexual harassment by her female employees, Ms. Justice reasonably felt that she could not report sexual harassment by Tony Phillips, Ryan Bush, and other persons affiliated with the hotel absent retaliation or reprisal.

8. Ms. Justice was subjected to a hostile work environment because of sexual harassment to herself and to other female employees and, further, because of Regency's refusal to undertake investigation and corrective action upon reports of such sexual harassment.

**FIRST CAUSE OF ACTION  
DISCRIMINATION BECAUSE OF SEX  
A VIOLATION OF AS 18.80.220(a)(1)**

9. Paragraphs 1-8 above are realleged and incorporated herein.

10. Deanna Justice was employed by Respondent Pacific Rim Associates I, Inc., as a front desk manager at the Regency Fairbanks Hotel from August 12, 2010, to September 22, 2011.

11. During this time period, Ms. Justice and other female employees were sexually harassed by a male coworker, Tony Phillips. Ms. Justice reported sexual harassment

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complaints by other female employees about Tony Phillips to the general manager, Dustin Adams, who failed to undertake investigation and corrective action.

12. During this same period, Ms. Justice received and notified Dustin Adams and another hotel manager of the report of a female employee that Ryan Bush, the principal of the on-site restaurant and catering service, was also committing sexual harassment.

13. Regency's general manager, Dustin Adams, was aware of the sexual harassment and other misconduct perpetrated by Tony Phillips and Ryan Bush. Further, Regency was on notice that the presence of Mr. Phillips in Ms. Justice's work environment created a hostile work environment.

14. Regency failed to conduct an adequate investigation into Ms. Justice's allegations of a hostile work environment.

15. Regency failed to take prompt corrective action to effectively eliminate the hostile work environment to which Ms. Justice was being subjected.

16. As a result of Regency's failure to take prompt corrective action in response to Ms. Justice's complaints, Regency subjected Ms. Justice to a continuing hostile work environment until the last day of her employment with Regency.

17. Regency violated AS 18.80.220(a)(1) by subjecting Ms. Justice to a hostile work environment because of her sex.

**PRAYER FOR RELIEF**

Wherefore the Executive Director asks for the following relief:

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1. That the Commission issue an order declaring that Regency discriminated against Deanna Justice because of her sex and violated AS 18.80.220(a)(1) by subjecting Ms. Justice to a hostile work environment.

2. That the Commission order Regency to adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law that includes a policy prohibiting discrimination against employees on the basis of sex, and a policy prohibiting retaliation for complaining about or reporting others' complaints about discrimination.

3. That the Commission order Regency to obtain training, conducted by a neutral, qualified, third-party trainer, of at least six hours for owners, managers, supervisors, and HR personnel, and to obtain training of at least three hours for other employees, on the provisions of the Alaska Human Rights Law that prohibit discrimination in employment, with an emphasis on preventing a hostile work environment and retaliation.

4. That the Commission order Regency to eliminate from Ms. Justice's personnel records all documents and entries relating to the facts and circumstances that led Ms. Justice to file the above-captioned charge of discrimination and any of the related events occurring thereafter.

5. That the Commission order Regency to refrain from penalizing Ms. Justice in any way in future considerations for employment and, if rehired or trained, for transfers, promotions, or upgrading, because Ms. Justice filed a complaint with the Commission.

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6. That the Commission order Regency to refrain from advising or informing any other employer or potential employer of Ms. Justice of the facts or circumstances involved in this case.

Dated this 22nd day of September 2014 at Anchorage, Alaska.

ALASKA STATE COMMISSION  
FOR HUMAN RIGHTS

*Signature Redacted*

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Elizabeth N. Smith  
Human Rights Attorney  
Alaska Bar No. 9402003