

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR)
HUMAN RIGHTS, PAULA M. HALEY,)
EXECUTIVE DIRECTOR, *ex rel.*)
MARCELLIN BROOKS,)

Complainant,)

v.)

ASCHR No. J-09-068

WAL-MART STORES, INC.,)

Respondent.)

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Marcellin Brooks, hereby alleges the following against Respondent Wal-Mart Stores, Inc.:

1. Respondent Wal-Mart Stores, Inc. (Wal-Mart) owns and operates retail stores in the State of Alaska.
2. On February 19, 2009, Marcellin Brooks, who is a Black male, purchased a "Seal-A-Meal" food saver appliance from one of Wal-Mart's retail locations in Anchorage.
3. On March 6, 2009, Mr. Brooks attempted to return the food saver to Wal-Mart's store located at 3101 A Street in Anchorage, without a receipt.
4. Mr. Brooks was not allowed to return the appliance. Instead, Mr. Brooks was informed that he must have a receipt to return the item for a refund.

ALASKA STATE COMMISSION ON HUMAN RIGHTS
800 A Street, Suite 204
Anchorage, Alaska 99501-3669
(907) 276-7474 FAX (907) 278-8588

1 5. Wal-Mart's policies provide for the return of merchandise without a receipt
2 in exchange for "store credit," credit which is given to the customer returning the item in
3 the amount of the item's sales price, which may be used to pay for other items purchased
4 from Wal-Mart.
5

6 6. Mr. Brooks was aware of this policy. After he was told that he could not
7 return the item for a refund, he asked if he could return the item without a receipt for
8 store credit. Mr. Brooks was told no.
9

10 7. Later that same day, on March 6, 2009, Mr. Brooks's wife, who is not
11 Black, attempted to return the food saver appliance at Wal-Mart's 8900 Old Seward
12 Highway location in Anchorage. Ms. Brooks was allowed to return the item without a
13 receipt for store credit.
14

15
16 **FIRST CAUSE OF ACTION:**
17 **DENIAL OF ADVANTAGES OR PRIVILEGES BY A PUBLIC**
18 **ACCOMMODATION BECAUSE OF RACE**
19 **A VIOLATION OF AS 18.80.230**

20 8. Paragraphs 1-7 above are realleged and incorporated herein.

21 9. Respondent Wal-Mart is a place of public accommodation in Alaska as
22 that term is defined in AS 18.80.300(16).

23 10. Wal-Mart refused to allow Mr. Brooks, a Black male, to return an item to
24 its store despite the fact that return of the item was consistent with Wal-Mart's policy.

25 11. Wal-Mart allowed Mr. Brooks's wife, who is not Black, to return the same
26 item on the same day that Mr. Brooks was not allowed to return the item.
27

28 12. Wal-Mart's refusal to allow Mr. Brooks to return the item constituted a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

denial of advantages and privileges by a public accommodation because of race.

13. Wal-Mart's actions described herein are a violation of AS 18.80.230.

PRAYER FOR RELIEF

Wherefore the Executive Director asks for the following relief:

1. That the Commission issue an order declaring that Respondent violated AS 18.80.230 by denying Mr. Brooks advantages and privileges because of his race.

2. That the Commission order Respondent to adopt and disseminate to all of its Anchorage employees a policy of nondiscrimination under the Alaska Human Rights Law that includes a policy prohibiting discrimination because of race.

3. That the Commission order Respondent to obtain training for the managers and supervisors of all its Anchorage stores and the employees of the customer service department at its Anchorage store located at 3101 A Street on the provisions of the Alaska Human Rights Law that prohibit discrimination in places of public accommodation.

4. That the Commission order Respondent not to refuse, withhold from, or deny to a person any of its services, goods, facilities, advantages, or privileges because of race.

//

//

//

//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated this 27th day of May 2011 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

By: _____ /s/
Lauri J Owen
Human Rights Attorney
Alaska Bar No. 0705032