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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.*)
LITTLETON BUXTON,)

Complainant,)

v.)

ASCHR No. J-13-212

PARKVIEW CONDOMINIUMS OWNERS)
ASSOCIATION and PROPERTY)
MANAGEMENT SERVICES, INC.,)

Respondents.)

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Littleton Buxton hereby alleges the following against Respondent Parkview Condominiums Owners Association and Respondent Property Management Services, Inc.

1. Respondent Parkview Condominiums Owners Association (“Parkview”) is an Alaska nonprofit corporation formed to provide for the maintenance, preservation, and architectural control of a condominium project in Anchorage, Alaska.

2. Respondent Property Management Services, Inc. (“PMSI”) is an Alaska corporation that provides management services to homeowners associations in Alaska, including Parkview. PMSI serves as Parkview’s agent.

3. Littleton Buxton is a resident of 305 Donna Drive, No. 32, a Parkview condominium, which is managed by PMSI.

1 4. Mr. Buxton resides with Nancy Cox, who is the owner of 305 Donna
2 Drive, No. 32.

3
4 5. Mr. Buxton suffers from chronic obstructive pulmonary disease and
5 cardiac problems, requires oxygen therapy, and has mobility problems. Mr. Buxton is a
6 person with a disability because he is an individual with one or more impairments that
7 substantially limit one or more of his major life activities.

8
9 6. Ms. Cox suffers from an arthritic or orthopedic condition and uses a cane
10 or walker to assist her with walking. Ms. Cox is a person with a disability because she is
11 an individual with one or more impairments that substantially limit one or more of her
12 major life activities.

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14 7. Respondents' rules require condominium owners and residents to park in
15 designated parking spots. Mr. Buxton and Ms. Cox park their vehicle in parking spots
16 that Respondents have so designated.

17
18 8. Because of their limitations, however, neither Mr. Buxton nor Ms. Cox is
19 able to carry items such as groceries to or from the parking spots that Respondents have
20 designated for them. Mr. Buxton and Ms. Cox have found it necessary to park their
21 vehicle next to their unit for short periods of time to load or unload items such as
22 groceries.

23
24 9. Despite having knowledge of Mr. Buxton's and Ms. Cox's disabilities and
25 their need to temporarily park their car next to their unit, Respondents have refused to
26 allow Mr. Buxton and Ms. Cox to temporarily park next to their unit. Parkview's
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1 management company, PMSI, attempted to fine Ms. Cox for violating Respondents'
2 rules.

3
4 10. After receiving notice of the parking fine, Ms. Cox advised PMSI and
5 Parkview of her and Mr. Buxton's disabilities and indicated to Respondents that she and
6 Mr. Buxton needed Respondents to reasonably accommodate them by allowing them to
7 load and unload their vehicle next to their unit. Respondents agreed not to pursue the
8 fine they had attempted to issue against Ms. Cox, but have otherwise refused, and
9 continue to refuse, to provide Mr. Buxton or Ms. Cox with their requested
10 accommodation or otherwise engage in an interactive process with Mr. Buxton or Ms.
11 Cox to determine if another reasonable accommodation would be appropriate.

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14 **FIRST CAUSE OF ACTION**
15 **DISCRIMINATION BECAUSE OF DISABILITY**
16 **FAILURE TO ACCOMMODATE**
17 **A VIOLATION OF AS 18.80.240**

18 11. Paragraphs 1-10 above are realleged and incorporated herein.

19 12. Littleton Buxton resides in a condominium unit that is managed by
20 Respondents.

21 13. Mr. Buxton has a physical disability as that term is defined in
22 AS 18.80.300.

23 14. Respondents have been aware that Mr. Buxton has a disability that
24 requires a reasonable accommodation.

25 15. Mr. Buxton has requested a reasonable accommodation for his disability
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ACCUSATION—Page 3

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1 that would allow him to park temporarily next to his condominium unit when loading
2 and unloading his vehicle.

3
4 16. Respondents have refused to provide Mr. Buxton with any
5 accommodation.

6
7 17. Respondents' refusal to provide Mr. Buxton with a reasonable
8 accommodation violates AS 18.80.240.

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10 **SECOND CAUSE OF ACTION**
11 **DISCRIMINATION BECAUSE OF DISABILITY**
12 **FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS**
13 **A VIOLATION OF AS 18.80.240**

14 18. Paragraphs 1-10 above are realleged and incorporated herein.

15 19. Littleton Buxton resides in a condominium unit that is managed by
16 Respondents.

17 20. Mr. Buxton has a physical disability as that term is defined in AS
18 18.80.300.

19 21. Respondents have been aware that Mr. Buxton has a disability that
20 requires a reasonable accommodation.

21 22. Mr. Buxton has requested a reasonable accommodation for his disabilities
22 that would allow him to park temporarily next to his condominium unit when loading
23 and unloading his vehicle.

24
25 23. Respondents have refused to engage in an interactive process with Mr.
26 Buxton to determine how or whether to accommodate him.
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28 **ACCUSATION—Page 4**

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1 Law that prohibit discrimination in housing, with an emphasis on the requirement to
2 provide reasonable accommodations for persons with disabilities.

3
4 Dated this 24th day of February 2014 at Anchorage, Alaska.

5 ALASKA STATE COMMISSION
6 FOR HUMAN RIGHTS

7 *signature redacted*

8
9 _____
10 Stephen Koteff
11 Human Rights Advocate
12 Alaska Bar No. 9407070