

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.*)
NANCY COX,)
Complainant,)

v.)

ASCHR No. J-13-213

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.* Nancy Cox 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. Nancy Cox is the owner and a resident of 305 Donna Drive, No. 32, a Parkview condominium, which is managed by PMSI.

1 4. Littleton Buxton resides with Nancy Cox at 305 Donna Drive, No. 32.

2 5. Ms. Cox suffers from an arthritic or orthopedic condition and uses a cane
3
4 or walker to assist her with walking. Ms. Cox is a person with a disability because she is
5 an individual with one or more impairments that substantially limit one or more of her
6 major life activities.

7 6. Mr. Buxton suffers from chronic obstructive pulmonary disease and
8
9 cardiac problems, requires oxygen therapy, and has mobility problems. Mr. Buxton is a
10 person with a disability because he is an individual with one or more impairments that
11 substantially limit one or more of his major life activities.

12 7. Respondents' rules require condominium owners and residents to park in
13
14 designated parking spots. Ms. Cox and Mr. Buxton park their vehicle in parking spots
15 that Respondents have so designated.

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

22 9. Despite having knowledge of Ms. Cox's and Mr. Buxton's disabilities and
23
24 their need to temporarily park their car next to their unit, Respondents have refused to
25

26
27
28
ACCUSATION—Page 2

*ASCHR, Paula M. Haley, Executive Director, ex rel. Nancy Cox v. Parkview Condominiums
Owners Association and Property Management Services, Inc.*

ASCHR No. J-13-213

1 allow Ms. Cox and Mr. Buxton to temporarily park next to their unit. Parkview's
2 management company, PMSI, attempted to fine Ms. Cox for violating Respondents'
3 rules.
4

5 10. After receiving notice of the parking fine, Ms. Cox advised PMSI and
6 Parkview of her and Mr. Buxton's disabilities and indicated to Respondents that she and
7 Mr. Buxton needed Respondents to reasonably accommodate them by allowing them to
8 load and unload their vehicle next to their unit. Respondents agreed not to pursue the
9 fine they had attempted to issue against Ms. Cox, but have otherwise refused, and
10 continue to refuse, to provide Ms. Cox or Mr. Buxton with their requested
11 accommodation or otherwise engage in an interactive process with Ms. Cox or Mr.
12 Buxton to determine if another reasonable accommodation would be appropriate.
13
14

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

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

21 12. Nancy Cox owns and resides in a condominium unit that is managed by
22 Respondents.

23 13. Ms. Cox has a physical disability as that term is defined in AS 18.80.300.

24 14. Respondents have been aware that Ms. Cox has a disability that requires a
25 reasonable accommodation.

26
27 15. Ms. Cox has requested a reasonable accommodation for her disability that
28

ACCUSATION—Page 3

*ASCHR, Paula M. Haley, Executive Director, ex rel. Nancy Cox v. Parkview Condominiums
Owners Association and Property Management Services, Inc.*

ASCHR No. J-13-213

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

3
4 16. Respondents have refused to provide Ms. Cox with any accommodation.

5 17. Respondents' refusal to provide Ms. Cox with a reasonable
6 accommodation violates AS 18.80.240.

7
8 **SECOND CAUSE OF ACTION**
9 **DISCRIMINATION BECAUSE OF DISABILITY**
10 **FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS**
11 **A VIOLATION OF AS 18.80.240**

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

13 19. Nancy Cox resides in a condominium unit that is managed by
14 Respondents.

15 20. Ms. Cox has a physical disability as that term is defined in AS 18.80.300.

16 21. Respondents have been aware that Ms. Cox has a disability that requires a
17 reasonable accommodation.

18 22. Ms. Cox has requested a reasonable accommodation for her disabilities
19 that would allow her to park temporarily next to her condominium unit when loading
20 and unloading her vehicle.

21 23. Respondents have refused to engage in an interactive process with Ms.
22 Cox to determine how or whether to accommodate her.

23 24. Respondents' refusal to engage in an interactive process with Ms. Cox
24 violates AS 18.80.240.
25
26
27
28

ACCUSATION—Page 4

*ASCHR, Paula M. Haley, Executive Director, ex rel. Nancy Cox v. Parkview Condominiums
Owners Association and Property Management Services, Inc.*

ASCHR No. J-13-213

PRAYER FOR RELIEF

Wherefore the Executive Director asks for the following relief:

1. That the Commission issue an order declaring that Respondents violated AS 18.80.240 by refusing to provide a reasonable accommodation to Nancy Cox.
2. That the Commission issue an order declaring that Respondents violated AS 18.80.240 by failing to engage in the interactive process with Ms. Cox to determine how to reasonably accommodate her disabilities.
3. That the Commission issue an order requiring Respondents to immediately allow Ms. Cox to park her vehicle next to her condominium unit to load and unload items or, in the alternative, to immediately engage in the interactive process with Ms. Cox in order to determine how to reasonably accommodate Ms. Cox's disability.
4. That the Commission order Respondents to adopt and disseminate to all residents of the condominium association, and to post in the Parkview's office or lobby in a place observable by all owners, residents and visitors, a policy of nondiscrimination under the Alaska Human Rights Law that includes a procedure for requesting a reasonable accommodation for a person with a disability.
5. That the Commission order Respondents to obtain training of at least four hours in length for Respondent PMSI's condominium association managers and for Respondent Parkview's board of directors on the provisions of the Alaska Human Rights Law that prohibit discrimination in housing, with an emphasis on the requirement to provide reasonable accommodations for persons with disabilities.

ACCUSATION—Page 5

ASCHR, Paula M. Haley, Executive Director, ex rel. Nancy Cox v. Parkview Condominiums Owners Association and Property Management Services, Inc.

ASCHR No. J-13-213

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 24th day of February 2014 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

signature redacted

Stephen Koteff
Human Rights Advocate
Alaska Bar No. 9407070