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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. LYNN DOWLER,)

Complainant,)

v.)

ASCHR No. J-09-138

PAUL KOPF, d/b/a GOLDSTREAM)
STORE, a/k/a GOLDSTREAM)
GENERAL STORE,)

Respondent.)

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Lynn Dowler, hereby alleges the following against Respondent Paul Kopf, d/b/a Goldstream Store, a/k/a Goldstream General Store:

1. In July 2008, Paul Kopf purchased the Goldstream Store, also known as Goldstream General Store, a retail store selling groceries and gasoline, located at 2591 Goldstream Road in Fairbanks. Since his purchase Mr. Kopf has been the sole proprietor of Goldstream Store and has taken an active role in the store's day-to-day operations.

2. Lynn Dowler was employed by Goldstream General Store for approximately 27 years. Ms. Dowler was initially hired by the Goldstream General Store as a sales clerk in 1982. Ms. Dowler was promoted to the position of general manager in 1997 and held that position until her employment with the store ended on May 1, 2009.

1 3. Since his purchase of the Goldstream Store, Mr. Kopf has proselytized to
2 his employees, including Ms. Dowler, about religion on an almost daily basis.

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4 4. Mr. Kopf's proselytizing included statements made to his employees,
5 including Ms. Dowler, such as "Catholics are the root of all evil," and "Catholics are
6 going to burn in hell."

7
8 5. In addition, Mr. Kopf repeatedly stated to his employees that his religious
9 beliefs were the only ones that were acceptable. Mr. Kopf stated to his employees that he
10 wanted only Christians to work for him. Mr. Kopf also questioned each of his employees
11 about their religious beliefs.

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13 6. On several occasions, Mr. Kopf lectured to Ms. Dowler about his religious
14 beliefs for up to forty-five minutes at a time, insisting that she listen to his statements and
15 physically blocking her ability to move away from him.

16
17 7. On other occasions, when he was unable to physically keep Ms. Dowler in
18 one place, Mr. Kopf would follow Ms. Dowler around the workplace and continue to
19 proselytize to her.

20
21 8. Ms. Dowler's religion is Catholic. Ms. Dowler was offended by Mr.
22 Kopf's religious comments and on a number of occasions was made so upset by them
23 that she was unable to do her job.

24
25 9. Mr. Kopf made it clear to his employees that he did not tolerate dissent or
26 points of view that were not in accordance with his own. On one occasion, Ms. Dowler
27 witnessed a discussion between Mr. Kopf and another employee in which the employee
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1 voiced his disagreement about Mr. Kopf's intent to withdraw wages from the employee's
2 paycheck. Mr. Kopf became agitated, said "f—k you" to the employee, and thereafter
3 voiced his intent to terminate the employee. Because of this reaction, and because of Mr.
4 Kopf's previous statements indicating that he would not tolerate employees who
5 disagreed with him, Ms. Dowler was afraid to complain to Mr. Kopf about his constant
6 proselytizing.
7

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9 10. On or about April 22, 2009, Ms. Dowler gave Mr. Kopf a handwritten note
10 indicating, among other things, that the employees of Goldstream General Store wanted
11 Mr. Kopf to cease his constant proselytizing about religion.
12

13 11. In response to the handwritten note, Mr. Kopf stated that he had no
14 intention of changing his behavior or limiting his proselytizing.
15

16 12. In further response to the note, Mr. Kopf issued his employees a written
17 statement indicating that he "is a very active Christian" and is "prone to religious and
18 philosophic conversations." The statement further indicated that employees who did not
19 agree with Mr. Kopf risked being terminated at his discretion.
20

21 13. Ms. Dowler received Mr. Kopf's statement with her paycheck on May 1,
22 2009. Ms. Dowler concluded that her working conditions had become intolerable
23 because of Mr. Kopf's behavior and that, despite her attempts to complain and modify
24 his behavior, he had no intention of doing so. Ms. Dowler therefore concluded that she
25 had no reasonable choice but to quit her job.
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27 14. On May 1, 2009, after receiving Mr. Kopf's statement, Ms. Dowler
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1 resigned her position with Goldstream General Store.

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3 **FIRST CAUSE OF ACTION—DISCRIMINATION BECAUSE OF**
4 **RELIGION—HOSTILE WORK ENVIRONMENT**
5 **VIOLATION OF AS 18.80.220(a)(1)**

6 15. Paragraphs 1-14 above are realleged and incorporated herein.

7 16. On an almost daily basis, from July 2008 to May 1, 2009, Paul Kopf, as the
8 owner of the Goldstream General Store, subjected Lynn Dowler to unwelcome conduct
9 and comments about religion that were objectively and subjectively offensive.

10 17. Mr. Kopf's comments to and conduct toward Ms. Dowler were so severe
11 and pervasive that they had the effect of altering the conditions of Ms. Dowler's
12 employment.

13 18. Mr. Kopf's comments and conduct constituted discrimination because of
14 religion, in violation of AS 18.80.220(a)(1).
15

16
17 **SECOND CAUSE OF ACTION—CONSTRUCTIVE DISCHARGE**
18 **VIOLATION OF AS 18.80.220(a)(1)**

19 19. Paragraphs 1-18 above are realleged and incorporated herein.

20 20. Mr. Kopf's comments and conduct described above created working
21 conditions for Ms. Dowler that a reasonable person would find so intolerable that they
22 would be forced to resign.
23

24 21. As a result of Mr. Kopf's comments and conduct, Ms. Dowler resigned her
25 position on May 1, 2009.

26 22. Mr. Kopf's comments and conduct forcing Ms. Dowler to resign amounted
27 to discrimination because of religion in violation of AS 18.80.220(a)(1).
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6. That the Commission order Mr. Kopf to pay front pay to Ms. Dowler for the period beginning with the date of the Commission's order and ending at the expiration of the maximum period allowed by law.

Dated this 7th day of May 2010 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

/s/
Stephen Koteff
Human Rights Advocate
Alaska Bar No. 9407070