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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.* )  
JULIA ECHEVERRIA, )

Complainant,

v.

CARIBOU CORP., d/b/a CARIBOU )  
FAMILY RESTAURANT, CARIBOU'S )  
TOOTH, INC., JACKIE RAY MORRELL, )  
and ELIZABETH C. JOHNSON, )

Respondents.

ASCHR Nos. J-12-211  
J-14-186

RECEIVED  
HUMAN RIGHTS COMMISSION  
JUN 01 2015  
COMMISSION SECRETARY

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Julia Echeverria, hereby alleges the following against Respondents Caribou Corp., d/b/a Caribou Family Restaurant, Caribou's Tooth, Inc., Jackie R. Morrell, and Elizabeth C. Johnson:

1. Caribou Family Restaurant is a restaurant located at 45015 Kalifornsky Beach Road in Soldotna, Alaska. Jackie Ray Morrell and Elizabeth C. Johnson both manage the restaurant.

2. Respondent Caribou Corp. is an Alaska corporation that owns Caribou Family Restaurant. Caribou Corp. is owned in its entirety by Caribou's Tooth, Inc. Caribou Corp. is a mere instrument of Caribou's Tooth, Inc.

1           3.       Caribou’s Tooth, Inc. is an Alaska corporation that is owned by Jackie R.  
2 Morrell and Elizabeth C. Johnson.

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4           4.       Mr. Morrel owns 51% of Caribou’s Tooth, Inc. and is the president and a  
5 director of the corporation.

6           5.       Ms. Johnson owns 49% of Caribou’s Tooth, Inc. and is the secretary and  
7 treasurer and a director of the corporation.

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9           6.       Caribou’s Tooth, Inc. is a mere instrument of Mr. Morrell and Ms.  
10 Johnson.

11           7.       Julia Echeverria was employed by Mr. Morrell and Ms. Johnson as a  
12 waitress at the Caribou Family Restaurant from October 2010 to May 31, 2012.

13           8.       Ms. Echeverria had a reputation as a hard worker among her coworkers  
14 and as an excellent waitress among many customers of Caribou Family Restaurant.

15           9.       Despite being well-qualified for her job, Mr. Morrell regularly made  
16 derogatory and offensive comments toward Ms. Echeverria throughout the course of her  
17 employment.

18           10.      These derogatory and offensive comments included several incidents  
19 where Mr. Morrell stated that Ms. Echeverria could earn money from men by “getting  
20 on her knees.”

21           11.      Mr. Morrell also referred to Ms. Echeverria on numerous occasions as a  
22 “fucking bitch.”  
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1           12.     These derogatory and offensive comments also included incidents where  
2 Mr. Morrell and Ms. Johnson told Ms. Echeverria that she was old and that she was fat.

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4           13.     Numerous other times Mr. Morrell referred to Ms. Echeverria as a “big fat  
5 heifer.”

6           14.     On another occasion Ms. Johnson referred to Ms. Echeverria as “stupid”  
7 and “lazy.”

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9           15.     On yet another occasion Mr. Morrell told Ms. Echeverria that she was  
10 ugly and that he didn’t like her hair.

11           16.     Mr. Morrell once stated to Ms. Echeverria without provocation that she  
12 “stunk.”

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14           17.     Mr. Morrell once asked Ms. Echeverria a question and when she  
15 attempted to answer Mr. Morrell told her to “shut up” because he did not like her voice.

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17           18.     Mr. Morrell often blamed Ms. Echeverria for work infractions or incidents  
18 that occurred when Ms. Echeverria was not working.

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20           19.     Once, when Ms. Johnson believed Ms. Echeverria had served a customer  
21 a piece of pie that was too big, she told Ms. Echeverria that if she did it again she would  
22 “punch [her] in the face.”

23           20.     Mr. Morrell often raised his voice or yelled at Ms. Echeverria when  
24 making the derogatory comments described herein. Most of the derogatory comments  
25 that Ms. Morrell and Ms. Johnson directed toward Ms. Echeverria were made in the  
26 presence of other employees or customers.  
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1           21.     On May 30, 2012, Ms. Echeverria had completed her shift at 10:00 p.m.  
2 when Mr. Morrell confronted her and told her that customers had been complaining  
3 about her. Ms. Echeverria knew this was untrue and was upset by the comment and  
4 began to cry. Ms. Johnson approached Ms. Echeverria and told her not to worry, stating  
5 that "Jack likes you." Ms. Echeverria then told Ms. Johnson about all of the harassing  
6 and derogatory comments that Mr. Morrell had been directing toward her, many of  
7 which were known to Ms. Johnson because they were made in her presence. Ms.  
8 Echeverria then left the premises.

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11           22.     On May 31, 2012, when Ms. Echeverria reported to work, Respondents  
12 terminated her employment at the Caribou Family Restaurant.

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14           23.     Since May 2012 Ms. Echeverria has worked as a breakfast attendant at the  
15 Aspen Hotel in Soldotna, Alaska.

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17           24.     Until May 2014, Mr. Morrell was unaware that Ms. Echeverria worked at  
18 the Aspen Hotel after her employment was terminated at the Caribou Family Restaurant.

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20           25.     On or about May 19, 2014, Mr. Morrell discovered that Ms. Echeverria  
21 was employed by the Aspen Hotel. On or about May 19, 2014, Mr. Morrell called the  
22 Aspen Hotel, without provocation, to disparage Ms. Echeverria to the management at  
23 the hotel.

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25           26.     Mr. Morrell first reached Johnny Sanchez, who worked at the Aspen  
26 Hotel's front desk, and asked to speak to the hotel's manager. When Mr. Sanchez  
27 informed Mr. Morrell that none of the hotel's managers were available, Mr. Morrell told  
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1 Mr. Sanchez that he wanted Mr. Sanchez to know “what type of low life” Ms.  
2 Echeverria was. Mr. Morrell told Mr. Sanchez that “[y]ou could hire a bum off the  
3 street and have a better worker” than Ms. Echeverria. Mr. Morrell also said that Ms.  
4 Echeverria was “a thief” and told Mr. Sanchez that if the Aspen Hotel did not fire her he  
5 would not go to the Aspen any longer or support the hotel in the community.  
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7  
8 27. Shortly after the phone call with Mr. Morrell, Mr. Sanchez reported the  
9 call to Danny DeBruin, the Aspen Hotel’s manager. Mr. Sanchez let Mr. DeBruin know  
10 that Mr. Morrell had “unloaded on him for several minutes” about Ms. Echeverria.  
11

12 28. Mr. DeBruin contacted Mr. Morrell by phone shortly after speaking to Mr.  
13 Sanchez. Mr. DeBruin asked Keli Johnson, the Aspen Hotel’s assistant manager, to sit  
14 in on and witness the call. During this call Mr. Morrell repeated to Mr. DeBruin what he  
15 had said to Mr. Sanchez about Ms. Echeverria.  
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17 29. Mr. Morrell told Mr. DeBruin that Ms. Echeverria was “a thief, a bum,  
18 and a liar,” and questioned the hotel management’s judgment for hiring “such a low  
19 life.”  
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21 30. Mr. Morrell also told Mr. DeBruin that he (Mr. Morrell) was an important  
22 person in the community and that if the Aspen Hotel did not fire Ms. Echeverria  
23 immediately he would cause the Aspen Hotel to lose business.  
24

25 31. Mr. DeBruin informed Mr. Morrell that Ms. Echeverria had worked for  
26 the Aspen Hotel for two years and that he considered her to be the best employee the  
27 hotel had ever had and that he had no intention of terminating her employment.  
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39. By subjecting Ms. Echeverria to a hostile work environment and terminating her employment because of her sex and age, Respondents violated AS 18.80.220(a)(1).

40. As a result of Respondents' violations, Ms. Echeverria has suffered harm in the form of lost wages and benefits.

**SECOND CAUSE OF ACTION  
RETALIATION FOR OPPOSITION TO PRACTICES  
FORBIDDEN BY AS 18.80  
A VIOLATION OF AS 18.80.220(a)(4)**

41. Paragraphs 1-32 above are realleged and incorporated herein.

42. Julia Echeverria was employed as a waitress by Respondents and was qualified for her job.

43. During her employment Ms. Echeverria was subjected to severe and pervasive derogatory comments based on her sex and age by Jackie Ray Morrel and Elizabeth C. Johnson.

44. These comments were objectively offensive. They were hurtful and offensive to Ms. Echeverria.

45. Because of the comments were severe, pervasive, offensive, and unwelcome, they altered the terms and conditions of Ms. Echeverria's employment by creating a hostile work environment.

46. Ms. Echeverria demonstrated her opposition to the hostile work environment by complaining about the comments to Respondents.

1 47. After Ms. Echeverria demonstrated her opposition to the hostile work  
2 environment, Respondents terminated her employment.

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4 48. Respondent terminated Ms. Echeverria's employment because she  
5 opposed practices forbidden by AS 18.80, a violation of AS 18.80.220(a)(4).

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7 49. As a result of Respondent's violations, Ms. Echeverria has suffered harm  
8 in the form of lost wages and benefits.

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10 **THIRD CAUSE OF ACTION**  
11 **RETALIATION FOR PARTICIPATION IN A PROCEEDING**  
12 **UNDER AS 18.80**  
13 **A VIOLATION OF AS 18.80.220(a)(4)**

14 50. Paragraphs 1-49 above are realleged and incorporated herein.

15 51. On June 19, 2012, Julia Echeverria filed a complaint of discrimination  
16 with the Commission against respondents.

17 52. Respondents, including Jacki Ray Morrell, were aware of Ms.  
18 Echeverria's complaint.

19 53. On or about May 19, 2014, Mr. Morrell discovered that Ms. Echeverria  
20 was employed by another employer.

21 54. On or about May 19, 2014, Mr. Morrell contacted Ms. Echeverria's  
22 employer and attempted to incite, compel, or coerce the employer to terminate Ms.  
23 Echeverria's employment.

24 55. Mr. Morrell's attempt to incite, compel, or coerce Ms. Echeverria's  
25 employer to terminate her employment constitutes a retaliatory act by Respondents that  
26 violates AS 18.80.220(a)(4).  
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2 **FOURTH CAUSE OF ACTION**  
3 **AIDING, ABETTING, OR COERCING A VIOLATION OF AS 18.80**  
4 **A VIOLATION OF AS 18.80.260**

5 56. Paragraphs 1-49 above are realleged and incorporated herein.

6 57. On June 19, 2012, Julia Echeverria filed a complaint of discrimination  
7 with the Commission against respondents.

8 58. Respondents, including Jacki Ray Morrell, were aware of Ms.  
9 Echeverria's complaint.

10 59. On or about May 19, 2014, Mr. Morrell discovered that Ms. Echeverria  
11 was employed by another employer.

12 60. On or about May 19, 2014, Mr. Morrell contacted Ms. Echeverria's  
13 employer and attempted to incite, compel, or coerce the employer to terminate Ms.  
14 Echeverria's employment.

15 61. Mr. Morrell's attempt to incite, compel, or coerce Ms. Echeverria's  
16 employer to terminate her employment constitutes a violation by Jackie Ray Morrell and  
17 by Respondents of AS 18.80.260.

18 **PRAYER FOR RELIEF**

19 Wherefore the Executive Director asks for the following relief:

20 1. That the Commission issue an order declaring that Respondents Caribou  
21 Corp., d/b/a Caribou Family Restaurant, Caribou's Tooth, Inc., Jackie R. Morrell, and  
22 Elizabeth C. Johnson, violated AS 18.80.220(a)(1) by subjecting Julia Echeverria to a  
23 hostile work environment.  
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1           2.       That the Commission issue an order declaring that Respondents Caribou  
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3 Corp., d/b/a Caribou Family Restaurant, Caribou's Tooth, Inc., Jackie R. Morrell, and  
4 Elizabeth C. Johnson, violated AS 18.80.220(a)(1) and (4) by terminating Ms. Echeverria's  
5 employment.

6           3.       That the Commission issue an order declaring that Respondents Caribou  
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8 Corp., d/b/a Caribou Family Restaurant, Caribou's Tooth, Inc., Jackie R. Morrell, and  
9 Elizabeth C. Johnson, violated AS 18.80.220(a)(4) by attempting to cause Ms. Echeverria's  
10 subsequent employer to terminate her employment.

11           4.       That the Commission issue an order declaring that Respondents Caribou  
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13 Corp., d/b/a Caribou Family Restaurant, Caribou's Tooth, Inc., Jackie R. Morrell, and  
14 Elizabeth C. Johnson, violated AS 18.80.260 by attempting to cause Ms. Echeverria's  
15 subsequent employer to terminate her employment.

16           5.       That the Commission order Respondents to adopt and disseminate to all  
17  
18 employees a policy of nondiscrimination under the Alaska Human Rights Law, including  
19 a policy for complaining about discrimination that advises employees of their right to  
20 contact the Alaska State Commission for Human Rights.

21           6.       That the Commission order Respondents to obtain, within thirty days of the  
22  
23 Commission's order and annually for two consecutive years thereafter, training conducted  
24 by a neutral, third-party trainer, of at least four hours in length, for its managers and  
25 supervisors on the provisions of the Alaska Human Rights Law that prohibit discrimination  
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1 in employment, with an emphasis on an employer's obligation not to create a hostile work  
2 environment or retaliate against an employee for complaining about discrimination.

3  
4 7. That the Commission order Respondents to obtain, within thirty days of the  
5 Commission's order and annually for two consecutive years thereafter, training conducted  
6 by a neutral, third-party trainer, of at least two hours in length, for its employees on the  
7 provisions of the Alaska Human Rights Law that prohibit discrimination in employment,  
8 with an emphasis on an employee's right to be free from a hostile work environment and  
9 on employees' rights to complaint about discrimination.

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12 8. That the Commission's order specify that the aforementioned policy,  
13 trainers, and training curricula be subject to approval by the Executive Director.

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15 9. That the Commission order Respondents to eliminate from Ms. Echeverria's  
16 personnel records all documents and entries relating to the facts and circumstances that led  
17 to Ms. Echeverria's filing of the above-captioned charge and any of the related events  
18 occurring thereafter.

19  
20 10. That the Commission order Respondents to refrain from penalizing Ms.  
21 Echeverria in any way in future considerations for employment and, if hired, for transfers,  
22 promotions, or upgrading because Ms. Echeverria complained about discrimination or  
23 because she filed a complaint with the Commission.

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25 11. That the Commission order Respondents to refrain from advising or  
26 informing any other employer or potential employer of Ms. Echeverria of the facts or  
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circumstances involved in this case, or from making any negative comments about Ms. Echeverria to any of her other employers or potential employers.

12. That the Commission order Respondents to pay back wages, including any lost benefits, to Ms. Echeverria plus interest at the applicable legal rate, the exact amount of which will be proven at hearing.

13. That the Commission order Respondents to pay front pay, including benefits, to Ms. Echeverria, the exact amount of which will be proven at hearing.

Dated this 1st day of June 2015 at Anchorage, Alaska.

ALASKA STATE COMMISSION  
FOR HUMAN RIGHTS

*Signature Redacted*

\_\_\_\_\_  
Stephen Koteff  
Human Rights Advocate  
Alaska Bar No. 9407070