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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. Larry Flakes, )

Complainant, )

v. )

ASCHR No. C-02-337

ALASKA SALES AND SERVICE, )  
INC., d/b/a ALASKA SALES AND )  
SERVICE, )

Respondent. )

**AMENDED COMPLAINT**

Complainant Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, ex rel. Larry Flakes submits the following Amended Complaint against respondent Alaska Sales and Service, Inc., d/b/a Alaska Sales and Service.

1. Alaska Sales and Service, Inc., d/b/a Alaska Sales and Service, is an Alaskan corporation doing business in Anchorage, Alaska.
2. Larry Flakes is Black and was employed by respondent periodically from 1988 to approximately April 1, 2002, in Anchorage, Alaska.
3. In early 2002, Mr. Flakes was a sales representative for respondent.
4. Respondent created several new team-leader positions titled "closers" in approximately March 2002. These new positions were a promotion from a sales representative position and served under the sales managers.

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5. In 2002, Mr. Flakes had been in the automobile business for 18 years, had worked as a sales manager, and had worked for respondent for a total of 8 years.

6. On or about April 2002, respondent did not promote Mr. Flakes to the newly-created position for which he was qualified but did promote less qualified, non-Black individuals to the same position.

7. When Mr. Flakes asked respondent's sales manager why respondent had not promoted him, the sales manager told him it was because of the color of his skin.

8. When another Black sales representative, Lewis Mosby, asked the same sales manager why respondent had not promoted him to the "closer" position, the sales manager also told him it was because of the color of his skin.

9. Respondent failed to promote Mr. Flakes because he is Black.

10. Respondent's choice not to promote Mr. Flakes because of his race, color, or both race and color violates AS 18.80.220(a)(1).

11. As a result of respondent's violation as set forth above, Mr. Flakes has suffered damages in the form of lost wages and benefits.

**PRAYER FOR RELIEF**

Wherefore complainant asks for the following relief:

1. That the Commission issue an order declaring that respondent violated AS 18.80.220(a)(1) by discriminating against Larry Flakes on the basis of his race, color, or both race and color, when it failed to promote him.

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2. That the Commission order respondent to provide make-whole relief to Mr. Flakes equal to back pay in the amount of wages and benefits he would have been paid by respondent had respondent promoted him, minus the wages and benefits he earned from other sources, plus interest, from the date of discrimination to the date of the order.

3. That the Commission order respondent to eliminate from Mr. Flakes's personnel records all documents and entries relating to the facts and circumstances that led to the filing of the above charge of discrimination and the related events occurring thereafter, not to penalize Mr. Flakes in future considerations for employment, transfers, promotions, or upgrading because of the circumstances, and not to advise other employers or potential employers of this complaint in any fashion or the facts or circumstances involved in this case.

4. That the Commission order respondent to adopt and disseminate to all current employees a policy of nondiscrimination under the Alaska Human Rights Law that includes, but is not limited to, a policy prohibiting discrimination because of race and color and retaliation as prohibited by AS 18.80.220.

Respectfully submitted this 5<sup>th</sup> day of April 2007.

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

\_\_\_\_\_/s/  
Rachel Plumlee  
Human Rights Advocate