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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. TOMORROW KOSAL,)

Complainant,)

v.)

ASCHR No. J-10-272

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.* Tomorrow Kosal, 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.
2. Since his purchase Mr. Kopf has been the sole proprietor of Goldstream Store.
3. Tomorrow Kosal was employed by Paul Kopf to work in the Goldstream Store from the time of Mr. Kopf's purchase of the store until she resigned on May 1, 2009.

1 4. After her employment ended, and up until September 29, 2010, Ms. Kosal
2 was a frequent customer of the Goldstream Store. Ms. Kosal visited the store multiple
3 times each week, on average, and often went to the store more than once a day.

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5 5. During the time Ms. Kosal was employed by Paul Kopf, Lynn Dowler was
6 employed as the manager of the Goldstream Store. Ms. Dowler also resigned her
7 employment with Goldstream Store on May 1, 2009.

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9 6. After her employment ended, Ms. Dowler filed a complaint with the
10 Alaska State Commission for Human Rights (Commission), alleging that Paul Kopf had
11 discriminated against her by creating a hostile work environment based on religion. Ms.
12 Dowler also alleged that because of the hostile work environment her working conditions
13 had become so intolerable that she was forced to resign.

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15 7. On May 7, 2010, after Commission staff investigated Ms. Dowler's
16 allegations, the Commission's Executive Director filed an Accusation with the
17 Commission on behalf of Ms. Dowler, seeking a hearing on the allegations.

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19 8. On May 17, 2010, the Commission referred the Executive Director's
20 Accusation to the Office of Administrative Hearings (OAH) to hold a hearing on the
21 merits of the allegations.

22
23 9. On June 30, 2010, the Executive Director gave notice to Paul Kopf that she
24 intended to call Ms. Kosal as a witness at the hearing to testify about her "observations
25 and experiences" while employed at the Goldstream Store.

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27 10. On August 17, 2010, Paul Kopf met with Ms. Kosal and attempted to
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1 convince her not to offer testimony against him at the hearing. Ms. Kosal did not make
2 any representations to Mr. Kopf about the subject matter of her testimony, other than to
3 say that she intended to tell the truth.
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5 11. On September 2, 2010, Mr. Kopf, through his attorney, took Ms. Kosal's
6 deposition. During the deposition Ms. Kosal offered testimony under oath to corroborate
7 some of Ms. Dowler's allegations.
8

9 12. The OAH held a hearing on Ms. Dowler's complaint on September 15–17,
10 2010.
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12 13. At the hearing, the Executive Director called Ms. Kosal to testify as a
13 witness.
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15 14. Ms. Kosal testified at the hearing to matters she witnessed while employed
16 by Paul Kopf at the Goldstream Store. Ms. Kosal again offered testimony to corroborate
17 some of Ms. Dowler's accusations.
18

19 15. On September 29, 2010, Ms. Kosal entered the Goldstream Store to shop.
20 After entering the store, Ms. Kosal was told by Mr. Kopf that she would no longer be
21 allowed to enter the store. Ms. Kosal was instructed by Mr. Kopf to leave the premises
22 and not to return.
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24 16. Since September 29, 2010, Ms. Kosal has not been permitted to enter or
25 shop at the Goldstream Store.
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**FIRST CAUSE OF ACTION
RETALIATION FOR TESTIFYING IN HUMAN RIGHTS PROCEEDINGS
A VIOLATION OF AS 18.80.220(a)(4)**

17. Paragraphs 1-16 above are realleged and incorporated herein.

18. Tomorrow Kosal was employed by Paul Kopf to work in the Goldstream Store from July 2008 to May 1, 2009.

19. Lynn Dowler, who also worked for Paul Kopf at the Goldstream Store, filed a complaint of discrimination against Mr. Kopf with the Commission.

20. Ms. Kosal testified under oath at a deposition taken as part of the proceedings on Ms. Dowler's complaint and offered testimony to corroborate some of Ms. Dowler's allegations.

21. Ms. Kosal testified at a Commission hearing on Ms. Dowler's complaint and again offered testimony to corroborate some of the allegations made by Ms. Dowler.

22. By testifying at the deposition and hearing, Ms. Kosal testified in proceedings under the Human Rights Act.

23. Because she testified in proceedings under the Human Rights Act, Paul Kopf, on September 29, 2010, barred Ms. Kosal from entering his premises at 2591 Goldstream Road in Fairbanks, known as the Goldstream Store or the Goldstream General Store.

24. Since September 29, 2010, and continuing to this day, Ms. Kosal has been prevented from entering the Goldstream Store to avail herself of its services, goods, facilities, advantages, or privileges.

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5. That the Commission order Respondent to obtain training for its owners, managers, supervisors, and employees on the provisions of the Alaska Human Rights Law that prohibit discrimination, with an emphasis on the prohibition against retaliation.

Dated this 6th day of January 2011 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

/s/

Stephen Koteff
Human Rights Advocate
Alaska Bar No. 9407070