

1 BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

2 ALASKA STATE COMMISSION FOR)
3 HUMAN RIGHTS, PAULA M.)
4 HALEY, EXECUTIVE DIRECTOR,)
5 *ex rel.* MELLISSA ROSGA, on behalf of)
6 her minor son, TIMOTHY ROSGA,)

7 Complainant,)

8 v.)

ASCHR No. J-11-266

9 WILSON WALKER, d/b/a WALKER)
10 PROPERTIES,)

11 Respondent.)
12 _____)

13 ACCUSATION

14 Paula M. Haley, Executive Director of the Alaska State Commission for Human
15 Rights, *ex rel.* Mellissa Rosga, on behalf of her minor son, Timothy Rosga, hereby
16 alleges the following against Respondent Wilson Walker d/b/a Walker Properties:
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18 1. Mellissa Rosga and her husband Bruce Rosga are the parents of four boys:
19 Monty, age 17, Timothy, age 16, Chase, age 13, and Dakota, age 11.
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21 2. The Rosgas presently live with their sons and a two year old girl over
22 whom they have temporary guardianship in an apartment at 3926 East 3rd Avenue in
23 Anchorage (hereinafter “the Rosgas’ apartment” or “the apartment”).
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25 3. The Rosgas’ apartment is owned and managed by Respondent Wilson
26 Walker, doing business as Walker Properties.

27 4. Each of the Rosgas’ three younger sons has been diagnosed with mental
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1 disabilities and is under the care of a psychiatrist to treat their conditions. As part of their
2 treatment, the boys' psychiatrist has recommended that each of them have a companion
3 cat to "cope better with life." The psychiatrist has also indicated that the boys need the
4 companion cats to help them with the "psychological stressors" associated with their
5 disabilities.
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7
8 5. The Rosgas and their sons have lived in the apartment with the boys' three
9 cats since September 2009.

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11 6. On September 27, 2011, Mr. Walker served the Rosgas with a Notice to
12 Quit (an eviction notice) that states that the Rosgas "must remove the cats permanently"
13 from the apartment or move out by October 31, 2011.

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15 7. On October 17, 2011, Bruce Rosga provided Mr. Walker with a letter in
16 which he wrote the following: "As an accommodation for each child's disability I am
17 requesting that you allow their therapeutic cats to continue residing in our apartment per
18 their doctor's prescription and the Fair Housing Act"

19
20 8. Mr. Walker denied the Rosgas' request and reiterated his position that the
21 Rosgas must remove the cats from the apartment or be evicted.

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23 9. On October 19, 2011, Michelle Rosga filed complaints with the Human
24 Rights Commission on behalf of her three sons alleging that Respondent was
25 discriminating against them by refusing to provide an accommodation for their
26 disabilities.

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28 10. The Rosgas did not remove the cats from or vacate the apartment on

1 October 31, 2011, and Mr. Walker did not initiate eviction proceedings against them.

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3 11. On December 22, 2011 Mr. Walker indicated that he still intended to evict
4 the Rosgas from the apartment. For the first time, however, Mr. Walker indicated that he
5 wanted the Rosgas to leave the apartment so he could remodel it.

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7 12. On February 1, 2012, Mr. Walker, through his attorney, indicated in
8 writing to the Rosgas that their "tenancy is terminated as of March 31, 2012," and that
9 they must vacate the premises by that date.

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11 FIRST CAUSE OF ACTION
12 DISCRIMINATION BECAUSE OF DISABILITY
13 FAILURE TO ACCOMMODATE
14 A VIOLATION OF AS 18.80.240

15 13. Paragraphs 1-12 above are realleged and incorporated herein.

16 14. Timothy Rosga, Chase Rosga, and Dakota Rosga (the Rosga children), all
17 minors, reside with their parents in the apartment in Anchorage that is owned by
18 Respondent.

19 15. Each of the Rosga children has a mental disability as that term is defined in
20 AS 18.80.300.

21
22 16. Each of the Rosga children has been prescribed a therapeutic or companion
23 cat by their treating psychiatrist, and each child's cat resides with them in their
24 apartment.

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26 17. Respondent has threatened to evict the Rosgas, and continues to threaten to
27 evict the Rosgas, because the Rosga children's cats reside in the apartment.

28 18. The Rosga children, through their parents, have requested that Respondent

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1 allow the cats to remain in the apartment as a reasonable accommodation for the Rosga
2 children's disabilities.
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4 19. The Rosga children need their cats to reside with them to afford them an
5 equal opportunity to use and enjoy the apartment.
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7 20. Respondent has refused to provide the Rosgas with the request reasonable
8 accommodation and has instead indicated his intent to evict the Rosgas from the
9 apartment.
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11 21. Respondent's refusal to provide a reasonable accommodation and threat to
12 evict the Rosgas violates AS 18.80.240.
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14 PRAYER FOR RELIEF

15 Wherefore the Executive Director asks for the following relief:

16 1. That the Commission issue an order declaring that Respondent Wilson
17 Walker violated AS 18.80.240 by refusing to provide a reasonable accommodation to the
18 Rosgas.
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20 2. That the Commission order Respondent Wilson Walker to immediately
21 cease any efforts to evict the Rosgas from the apartment.
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23 3. That the Commission order Respondent to provide a reasonable
24 accommodation to the Rosga children by allowing their cats to continue residing at the
25 apartment.
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27 4. That the Commission order Respondent to adopt and disseminate to all
28 of his tenants residing at any of the properties he owns, and to post in a conspicuous

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place observable to all tenants and visitors to any of the properties he owns, a policy of nondiscrimination under the Alaska Human Rights Law that includes a policy of providing reasonable accommodations for persons with disabilities.

5. That the Commission order Respondent to obtain training of at least three hours in length 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.

Dated this 2d day of March 2012 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

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