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BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR)
HUMAN RIGHTS, MARTI BUSCAGLIA,)
EXECUTIVE DIRECTOR,)
<i>ex rel.</i> FRANCIS ROACH,)
)
Complainant,)
)
v.)
)
FRIENDSHIP MISSION,)
)
Respondent.)

ASCHR No. J-14-004

ACCUSATION

Marti Buscaglia, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Francis Roach, hereby alleges the following against Respondent Friendship Mission:

1. Respondent is a nonprofit corporation that owns and operates a shelter for homeless men located at 14639 Kenai Spur Highway in Kenai, Alaska.
2. Francis Roach is an individual who has a sight impairment that substantially limits his ability to see.
3. Because of his sight impairment, Mr. Roach has a service dog named Maggie Mae.
4. At certain times in 2013, Mr. Roach was homeless without a place to stay. On July 4, 2013, and again in mid-November 2013, Mr. Roach called Friendship Mission to inquire about staying at Friendship Mission's shelter in Kenai.

1 5. On both occasions when Mr. Roach called Friendship Mission, he spoke
2 with Graydon Cowgill. Mr. Cowgill is the President of Friendship Mission and is
3 responsible for managing the day to day operations of its Kenai shelter.
4

5 6. Mr. Cowgill informed Mr. Roach that he was welcome to stay at the
6 shelter but that his service dog would not be allowed to accompany him.
7

8 7. Mr. Cowgill also informed Mr. Roach that Friendship Mission would not
9 allow any animals to stay at the shelter, regardless of whether they were service animals
10 that assist people with disabilities.
11

12 8. Because Mr. Cowgill did not allow Mr. Roach to bring Maggie Mae to the
13 shelter, Mr. Roach was unable to stay at Friendship Mission's shelter in July and
14 November 2013.
15

16 9. Because he was unable to stay at Friendship Mission's shelter, Mr. Roach
17 had no other place to stay and was forced to camp outside.
18

19 10. Consistent with what Mr. Cowgill told Mr. Roach, Friendship Mission
20 maintains a policy and practice of refusing to allow persons with service animals to stay
21 at its shelter.
22

23 11. Friendship Mission maintains a web site that states the requirements for
24 staying at its shelter. Among these requirements, Friendship Mission has posted its
25 prohibition on allowing service animals to stay at the shelter. The prohibition states:
26 "Our facilities cannot accomodate [sic] animals of any kind; therefore, NO ANIMALS
27 are allowed."
28

1 12. Friendship Mission requires individuals who stay at its shelter to review
2 and indicate their agreement with a number of written conditions referred to as “Every
3 Day Rules.” One of the rules states: “Residents can have NO ANIMALS of any kind.”
4

5 **FIRST CAUSE OF ACTION**
6 **DENIAL OF SERVICES AND FACILITIES BECAUSE OF DISABILITY**
7 **A VIOLATION OF AS 18.80.230(a)(1)**

8 13. Paragraphs 1-12 above are re-alleged and incorporated herein.

9 14. Francis Roach is a person with a disability under AS 18.80.300(14).

10 15. Mr. Roach has a service animal that assists him and accompanies him
11 during all of his day to day activities.

12 16. Friendship Mission’s shelter is a place of public accommodation under AS
13 18.80.230.

14 17. Friendship Mission refused to allow Mr. Roach’s service animal to
15 accompany him at or in its shelter.

16 18. Because Friendship Mission refused to allow Mr. Roach’s service animal
17 to accompany him at or in its shelter, it denied Mr. Roach its services and facilities
18 because of Mr. Roach’s disability.

19 19. Friendship Mission’s denial of service s and facilities to Mr. Roach
20 constitutes a violation of AS 18.80.230(a)(1).
21

22 **SECOND CAUSE OF ACTION**
23 **PUBLICATION, DISPLAY, AND POSTING OF COMMUNICATION**
24 **STATING OR IMPLYING DENIAL OF SERVICES**
25 **BECAUSE OF DISABILITY**
26 **A VIOLATION OF AS 18.80.230(a)(2)**

27 20. Paragraphs 1-19 above are re-alleged and incorporated herein.
28

1 21. Friendship Mission’s shelter is a place of public accommodation under AS
2 18.80.230.

3
4 22. Friendship Mission publishes, displays, and posts communications on its
5 web site and in written documents disseminated to residents and potential residents of its
6 shelter that state and imply that its services and facilities will be refused or withheld
7 from certain persons with disabilities.

8
9 23. Friendship Mission’s publications, displays, and postings described in
10 paragraph 22 constitute violations of AS 18.80.230(a)(2).

11
12 **PRAYER FOR RELIEF**

13 Wherefore the Executive Director asks for the following relief:

14 1. That the Commission issue an order declaring that Respondent violated AS
15 18.80.230(a)(1) by refusing to provide its services and facilities to Francis Roach.

16
17 2. That the Commission issue an order declaring that Respondent violated, and
18 continues to violate, AS 18.80.230(a)(2) by publishing, displaying, and posting
19 communications that state and imply that its services and facilities will be refused or
20 withheld from certain persons with disabilities.

21
22 3. That the Commission order Respondent to adopt and disseminate to all
23 employees, residents, and potential residents a policy of nondiscrimination under the
24 Alaska Human Rights Law, including a policy for providing reasonable accommodations
25 (including the use of service animals) to residents with disabilities.

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27 4. That the Commission order Respondent to obtain, within thirty days of the
28 Commission’s order, training conducted by a neutral, third-party trainer, of at least three

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hours in length, for its directors and managers on the provisions of the Alaska Human Rights Law that prohibit discrimination against persons with disabilities.

5. That the Commission's order specify that the aforementioned policy, trainer, and training curriculum be subject to approval by the Executive Director.

6. That the Commission order Respondent to allow Mr. Roach access to its shelter with his service animal.

7. That the Commission order Respondent to immediately refrain from publishing, displaying, or posting any communication that states or implies that its services and facilities will be refused or withheld from persons with disabilities.

Dated this 8th day of August 2016 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS
Signature Redacted

Stephen Koteff
Human Rights Advocate
Alaska Bar No. 9407070