(907) 276-7474 FAX (907) 278-8588

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR HUMAN RIGHTS, NANETTE GAY,)
ACTING EXECUTIVE DIRECTOR, ex. rel. PAULINE HOELSCHER)) ASCHR NO. J-17-249
Complainant,)
v.)
907NOREFUND, INCORPORATED d/b/a CHEAP SMOKES,)))
Respondent,)

FINAL ORDER

In accordance with AS 18.80.130 and 6 AAC 30.480, the Hearing Commissioners, having reviewed the hearing record and Administrative Law Judge's Recommended Order for Entry of Default Judgment of April 3, 2019, ADOPTS the recommended order in its entirety as the order of the State Commission for Human Rights. The Commission therefore FINDS and ORDERS as follows:

- 1. Respondent violated AS 18.80.220(a)(1) by subjecting Ms. Hoelscher to sexual harassment.
- 2. Respondent violated AS 18.80.220(a)(1) by subjecting Ms. Hoelscher to sexual harassment that became so pervasive and intolerable she was constructively discharged.

FINAL ORDER - Page 1

ASCHR, Nanette Gay, Acting Executive Director, ex rel. Pauline Hoelscher v. 907Norefund, Incorporated d/b/a Cheap Smokes, ASCHR No. J-17-249

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3. Respondent shall eliminate from Ms. Hoelscher'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 Ms. Hoelscher in future considerations for employment, transfers, promotions, or upgrading because of said circumstances, and not to advise other employers or potential employers of these complaints in any fashion or the facts or circumstances involved in this case.

- Respondent shall adopt and disseminate to all employees and future applicants of any current or future business a policy of nondiscrimination under the Alaska Human Rights Law that includes, but is not limited to, a policy prohibiting discrimination because of sexual harassment, race, and retaliation as prohibited by AS 18.80.220. (Note: this policy must be reviewed and approved by the Alaska State Human Rights Commission).
- 5. Respondent shall require training of at least two hours in length for all of its owners, directors, supervisors, managers, and shareholders of any current or future business on the provisions of the Alaska Human Rights Law, with specific emphasis on the provisions prohibiting discrimination based on sexual harassment and retaliation. (Note: the trainer and the presentation content must be reviewed and approved by the Alaska State Human Rights Commission).

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- 6. The Commission will monitor Respondent's compliance with the terms of this order for a period of not less than five (5) years from the date that this order is distributed signed and distributed.
 - Respondent shall pay Ms. Hoelscher backpay in the amount of \$1,697.85. 7.

The parties are given notice that judicial review is available pursuant to AS 18.80.135 and AS 44.62.560-.570. An appeal must be filed with the superior court within 30 days from the date this Final Order is mailed or otherwise distributed to the parties.

IT IS SO ORDERED.

DATED: October 7, 2019

DATED: October 7, 2019

DATED: October 7, 2019 Betsy Engle, Commissioner

Cynthia Erickson, Commissioner

Evelyn Falzerano, Commissioner

Anchorage, Alaska 99501-3669 (907) 276-7474 FAX (907) 278-8588

CERTIFICATE OF SERVICE

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I certify that on October 7, 2019, a true and correct copy of the foregoing Final Order was hand delivered to:

Carolyn Thomas, Law Office Assistant Alaska State Commission for Human Rights 800 A Street, Suite 204 Anchorage, AK 99501

and mailed by first-class U.S. mail, postage prepaid to:

Respondent or Respondent's Representative Han Choe, Registered Agent 907Norefund, Incorporated d/b/a/ Cheap Smokes 555 W. Northern Lights Blvd., Suite 216 Anchorage, AK 99503

and mailed by first-class U.S. mail, postage prepaid to:

Andrew Lebo, Administrative Law Judge Office of Administrative Hearings State of Alaska 550 W. 7th Avenue, Suite 1940 Anchorage, AK 99501

hari J. Ketchum

Shari L. Ketchum Commission Secretary

FINAL ORDER – Page 4

ASCHR, Nanette Gay, Acting Executive Director, ex rel. Pauline Hoelscher v. 907Norefund, Incorporated d/b/a Cheap Smokes, ASCHR No. J-17-249