

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

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3 ALASKA STATE COMMISSION FOR )  
4 HUMAN RIGHTS, NANETTE GAY, )  
5 ACTING EXECUTIVE DIRECTOR, )  
6 ex. rel. SAMANTHA PUSHRUK ) ASCHR NO. J-15-151  
7 ) J-16-041  
8 Complainant, )  
9 v. )  
10 907NOREFUND, INCORPORATED )  
11 d/b/a CHEAP SMOKES, )  
12 Respondent, )

FINAL ORDER

13 In accordance with AS 18.80.130 and 6 AAC 30.480, the Hearing  
14 Commissioners, having reviewed the hearing record and Administrative Law Judge's  
15 Recommended Order for Entry of Default Judgment of January 23, 2019, ADOPTS the  
16 recommended order in its entirety as the order of the State Commission for Human  
17 Rights. The Commission therefore FINDS and ORDERS as follows:

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- 19 1. Respondent violated AS 18.80.220(a)(l) by subjecting Ms. Pushruk to  
20 sexual harassment.
  - 21 2. Respondent violated AS 18.80.220(a)(l) by subjecting Ms. Pushruk to  
22 sexual harassment that became so pervasive and intolerable she was constructively  
23 discharged.  
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FINAL ORDER – Page 1

*ASCHR, Nanette Gay, Acting Executive Director, ex rel. Samantha Pushruk v. 907Norefund, Incorporated  
d/b/a Cheap Smokes, ASCHR No. J-15-151 and J-16-041*

1           3.       Respondent violated AS 18.80.220(a)(4) by retaliating against Ms. Pushruk  
2 for complaining of sexual harassment by terminating her employment.

3           4.       Respondent shall eliminate from Ms. Pushruk's personnel records all  
4 documents and entries relating to the facts and circumstances that led to the filing of the  
5 above charge of discrimination and the related events occurring thereafter, not to  
6 penalize Ms. Pushruk in future considerations for employment, transfers, promotions,  
7 or upgrading because of said circumstances, and not to advise other employers or  
8 potential employers of these complaints in any fashion or the facts or circumstances  
9 involved in this case.  
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11           5.       Respondent shall adopt and disseminate to all employees and future  
12 applicants of any current or future business a policy of nondiscrimination under the  
13 Alaska Human Rights Law that includes, but is not limited to, a policy prohibiting  
14 discrimination because of sexual harassment, race, and retaliation as prohibited by AS  
15 18.80.220. (Note: this policy must be reviewed and approved by the Alaska State  
16 Human Rights Commission).  
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19           6.       Respondent shall require training of at least two hours in length for all of  
20 its owners, directors, supervisors, managers, and shareholders of any future business on  
21 the provisions of the Alaska Human Rights Law, with specific emphasis on the  
22 provisions prohibiting discrimination based on sexual harassment and retaliation. (Note:  
23 the trainer and the presentation content must be reviewed and approved by the Alaska  
24 State Human Rights Commission).  
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7. Respondent shall pay Ms. Pushruk backpay in the amount of \$4,882.85.

8. 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.


The Commission gives 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.

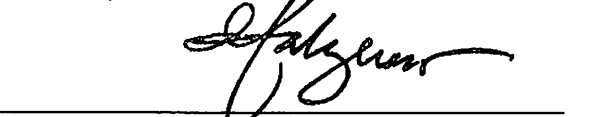
DATED: October 7, 2019

  
Betsy Engle, Commissioner

DATED: October 7, 2019

  
Cynthia Erickson, Commissioner

DATED: October 7, 2019

  
Evelyn Falzerano, Commissioner

**CERTIFICATE OF SERVICE**

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

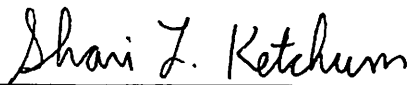
Carolyn Thomas, Law Office Assistant  
Alaska State Commission for Human Rights  
800 A Street, Suite 204  
Anchorage, AK 99501

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. 7<sup>th</sup> Avenue, Suite 1940  
Anchorage, AK 99501

  
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Shari L. Ketchum  
Commission Secretary