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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. YALY GUERRERO,)

Complainant,)

v.)

GEMS INTERNATIONAL OF)
ALASKA, INC.,)

Respondent.)

ASCHR No. J-07-216
OAH No. 10-0144-HRC

NON-OPPOSED MOTION TO DISMISS

On August 16, 2010, the parties entered into the attached settlement agreement. Complainant now moves the Commission to dismiss this case based on Respondent's compliance with the agreement.

On September 10, 2010, undersigned counsel confirmed compliance with the settlement agreement and received confirmation from Dinesh Dodani that the Respondent does not oppose this motion.

Respectfully submitted this 10th day of September 2010.

ALASKA STATE COMMISSION FOR HUMAN RIGHTS



Lauri J Owen
Human Rights Attorney
Alaska Bar No. 0705032


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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2010, a true and correct copy of this **Non-Opposed Motion to Dismiss** was delivered via first class U.S. Mail to:

Dinesh Dodani, Owner
Gems International of Alaska
2521 N. Halifax Ave.
Daytona Beach, FL 32118

Andrew A. Hemenway
Administrative Law Judge
Office of Administrative Hearings
P.O. Box 110231
Juneau, AK 99811



Harmony Curtis
Law Office Assistant

1 BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS
2 ON REFERRAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS

3 ALASKA STATE COMMISSION FOR)
4 HUMAN RIGHTS, PAULA M.)
5 HALEY, EXECUTIVE DIRECTOR,)
6 *ex rel.* YALY GUERRERO,)

7 Complainant,)

8 v.)

ASCHR No. J-07-216
OAH No. 10-0144-HRC

9 GEMS INTERNATIONAL OF)
10 ALASKA, INC.,)

11 Respondent.)
12 _____)

13 SETTLEMENT AGREEMENT

14 Charges have been filed with the Alaska State Commission for Human Rights,
15 hereinafter the Commission, by the above-named Complainant against the
16 above-named Respondent, under the provisions of the Alaska Human Rights Law, AS
17 18.80.010-.300. The charges have been investigated, and substantial evidence to
18 support the allegations of discrimination has been found. The parties agree to forgo a
19 hearing on the merits and resolve the matter according to the provisions herein.

20 I. GENERAL PROVISIONS:

21 A. All Parties:

- 22 1. It is agreed that this agreement constitutes a total settlement of the
23 issues between the parties in this case.
- 24 2. It is understood that this agreement does not constitute an
25 admission by the Respondent of any violation of the Alaska
26 Human Rights Law or other applicable federal and municipal civil
27 rights laws. It is further understood that this agreement does not
28 represent an admission or statement by any party relating to the
requirements or remedies available pursuant to the Alaska Human
Rights Law.

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3. All parties agree that the Commission, on request of any party or on its own motion, may review compliance with this agreement. As a part of such review, the Commission may require written reports concerning compliance, inspect premises, examine witnesses, and examine and copy documents.
4. The Commission will submit this agreement, if applicable, to the agencies that also have accepted this complaint pursuant to worksharing agreements with the Commission.

B. Commission Staff:

1. The case will remain open until the Commission staff determines that the parties have fully complied with all terms contained in this agreement. Commission staff agrees to close the case and to refrain from seeking other statutory remedies relating to the above-captioned complaint, subject to the parties' compliance with the terms of this agreement.
2. If respondent does not comply fully with the terms of this agreement by the dates established herein, the parties agree that the Commission staff may rescind the agreement and seek full administrative remedies.

C. Complainant:

1. Complainant hereby agrees not to sue respondent with respect to any of the allegations of the above-captioned case, subject to the respondent's compliance with this agreement. Nothing in this paragraph or elsewhere in this agreement shall be interpreted to prohibit complainant from filing a charge or claim with the Commission pursuant to AS 18.80.220(a)(4) for any conduct by respondent occurring after execution of this agreement.
2. Complainant hereby waives all further administrative procedures before the Commission on this matter, including a Commission hearing.

SETTLEMENT AGREEMENT - 2

ASCHR, Paula M. Haley, Executive Director, ex rel. Yaly Guerrero v. Gems International of Alaska Inc., ASCHR Case No. J-07-216; OAH No. 10-0144-HRC

1 D. Respondent:

- 2
- 3 1. Respondent hereby waives all further administrative procedures
- 4 before the Commission on this matter, including a Commission
- 5 hearing.
- 6
- 7 2. This agreement shall not be interpreted to mean that Respondent is
- 8 absolved from any duty to afford equal employment opportunities
- 9 or affirmative action as may be required under other applicable
- 10 laws and regulations.

11 II. ENFORCEMENT:

- 12 A. The parties to this agreement agree that the terms of this agreement are
- 13 legally binding in the same manner and to the same extent as a
- 14 Commission order issued following a public hearing pursuant to AS
- 15 18.80.130. This agreement shall be enforceable in any court of
- 16 competent jurisdiction.
- 17
- 18 B. The parties agree that in the event of a party's noncompliance with this
- 19 agreement, the Commission may elect to seek the remedies set forth in
- 20 Section I.B of this agreement or it may seek to enforce the agreement in
- 21 court.

22 III. REMEDIAL PROVISIONS:

- 23
- 24 A. Respondent agrees and asserts its belief that discrimination based on race,
- 25 color, sex, age, national origin, physical or mental disability, religion,
- 26 pregnancy, parenthood, marital status, or changes in marital status has no
- 27 place in the consideration of employees for positions, promotions,
- 28 layoffs, terminations, or any other employment practices.
- 29
- 30 B. Respondent also agrees and asserts its belief that to discharge, expel, or
- 31 otherwise discriminate against a person because that person has filed a
- 32 complaint, testified, or assisted in a proceeding filed under the Human
- 33 Rights Law or because that person has opposed any practice forbidden
- 34 under AS 18.80.200-.260 is to engage in unlawful retaliation.
- 35
- 36 C. Respondent therefore agrees to adopt and disseminate to all employees an
- 37 approved statement of corporate policy reflecting Respondent's

SETTLEMENT AGREEMENT - 3

ASCHR, Paula M. Haley, Executive Director, ex rel. Yaly Guerrero v. Gems International of Alaska Inc., ASCHR Case No. J-07-216; OAH No. 10-0144-HRC


1 nondiscriminatory posture and opposition to any retaliatory practices
2 within thirty days of the date the Commission approves this agreement.
3 The statement shall provide that failure on the part of any employee to
4 observe and implement such policy shall constitute grounds for
5 disciplinary action, including dismissal. Respondent shall send a copy of
6 its proposed policy to the Commission for review and approval within
7 fifteen days of the date the Commission approves this agreement. The
8 statement must be approved by the Commission before it is adopted and
9 disseminated.

- 10 D. Respondent agrees to pay complainant \$1,000 to settle the case.
11 Respondent will send a check to the Commission, payable to
12 complainant, within fifteen days of the date the Executive Director
13 approves this agreement. The Commission will forward the check to
14 complainant.
- 15 E. Respondent agrees that within 20 days of this agreement it will eliminate
16 from its employee files all documents and entries relating to the facts and
17 circumstances that led to Yaly Guerrero's filing of the above-captioned
18 charge of discrimination and the related events occurring thereafter.
19 Respondent also affirms that it will not retaliate in any way against Ms.
20 Guerrero, and that no other employer or potential employer of Ms.
21 Guerrero will be advised in any fashion of the facts or circumstances
22 involved in this case.
- 23 F. Respondent shall submit a report to the Commission within 45 days of
24 the date the Commission approves this agreement describing the manner
25 in which it has carried out the remaining undertakings herein outlined.

26 IV. EXECUTION

27 The parties agree that this document may be executed by conformed copies and that a
28 party's signature on one conformed copy constitutes that party's signature on all other
conformed copies.

7/28/2010
Date

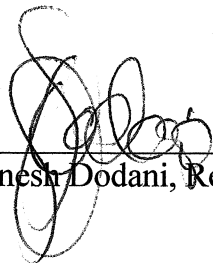

Yaly Guerrero, Complainant

SETTLEMENT AGREEMENT - 4

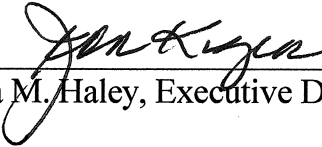
ASCHR, Paula M. Haley, Executive Director, ex rel. Yaly Guerrero v. Gems
International of Alaska Inc., ASCHR Case No. J-07-216; OAH No. 10-0144-HRC

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Date 7/30/10


Dinesh Dodani, Respondent

Date 8/10/10


(for) Paula M. Haley, Executive Director, ASCHR

SETTLEMENT AGREEMENT - 5

ASCHR, Paula M. Haley, Executive Director, ex rel. Yaly Guerrero v. Gems International of Alaska Inc., ASCHR Case No. J-07-216; OAH No. 10-0144-HRC