

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

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2 ALASKA STATE COMMISSION FOR)
3 HUMAN RIGHTS, ROBERT W. CORBISIER,)
4 EXECUTIVE DIRECTOR, *ex rel.*)
5 GWEN SLATER,)
6)
7 Complainant,)
8)
9 v.)
10)
11 PARTNERS 4 LIFE INC. *dba* FIREHOUSE BBQ,)
12)
13 Respondent.)
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ASCHR No. J-20-111

ACCUSATION

Robert W. Corbisier, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Gwen Slater, hereby alleges the following against Respondent Firehouse BBQ:

1. Michell Johnston and Terry Johnston wed on or about 19 July 2008,.
2. On or about 26 June 2013, Michell Johnston obtained a business license to operate a full-service restaurant, Firehouse BBQ.
3. Prior to 6 January 2020, Firehouse BBQ was doing business as a sole proprietorship; the sole owner was Michell Johnston.
4. Funds from the business were used to support the marital community.
5. Respondent incorporated itself on or about 23 July 2019.
6. The incorporator and sole official listed in the Articles of Incorporation is William Johnston.
7. The Articles of Incorporation were not and have not been amended.
8. Respondent obtained a new business license on or about 6 January 2020.
9. During the time at issue, Michell Johnston owned Partners 4 Life Inc. *dba* Firehouse BBQ.

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- 10. During the time at issue, William Johnston owned Partners 4 Life Inc. *dba* Firehouse BBQ.
- 11. During the time at issue, Michell Johnston and William Johnston were the sole owners of Partners 4 Life Inc. *dba* Firehouse BBQ.
- 12. William Johnston owned Respondent until it was administratively dissolved on or about 13 May 2021 for failure to comply with the Alaska Corporations Code.
- 13. Per AS 10.06.210(m), Articles of Incorporation may neither eliminate nor limit the liability of a director for acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law.
- 14. Per AS 10.06.210(m), Articles of Incorporation may not eliminate or limit the liability of a director for transactions from which the director derives an improper personal benefit.
- 15. AS 10.06.210(m) does neither limits nor eliminates the liability of a director for an act or omission that occurs before the effective date of the articles of incorporation, or of an amendment to the articles of incorporation authorized by this subparagraph.
- 16. At the time in question Respondent was a closely held corporation.
- 17. Respondent operated a full-service restaurant at 45015 Kalifornsky Beach Road, Soldotna, Alaska, 99669.
- 18. William Johnston would come to the office and work on Firehouse BBQ business matters.
- 19. William Johnston held himself out to Respondent’s employees as its owner.
- 20. Respondent’s patrons commonly tipped wait staff in cash, which was commonly stored in William Johnston’s office.
- 21. William Johnston distributed cash tips through various means.
- 22. Respondent accepted credit and debit cards.

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- 23. Respondent had a point-of-sale system (POS) in or to process transactions, including card payments.
- 24. William Johnston was married to Michell Johnston at all times in question giving rise to the above captioned Accusation.
- 25. Respondent’s financial assets were used to supplement the Johnston marital community’s financial interests.
- 26. Michell Johnston died of cancer on 20 August 2020.
- 27. William Johnston became the sole owner of Respondent at Michell Johnston’s death.
- 28. On or about 31 December 2020, Respondent’s business license expired.
- 29. Respondent did not file its biennial report.
- 30. On or about 31 May 2021, Partners 4 Life Inc. was involuntarily dissolved.
- 31. On or about 30 June 2021, Firehouse BBQ discontinued service and closed its doors.
- 32. Respondent was a closely held corporation.
- 33. On or about and between 1 June 2021 through 31 July 2021, William Johnston held a “garage sale” at the restaurant, during which time he sold both business and restaurant assets, in addition to personal household belongings.
- 34. William Johnston subsequently relocated to Durango, Colorado.
- 35. Prior to moving, William Johnston was residing in Firehouse BBQ.
- 36. William Johnston used funds from the sale of business assets to fund his personal move to Colorado
- 37. William Johnston used funds from the sale of business assets to fund his personal medical treatment.
- 38. As of the date of filing neither Mr. Johnston nor Partners 4 Life Inc. *dba* Firehouse BBQ, has filed for bankruptcy.
- 39. Ms. Slater was hired to work as a waitress at Firehouse BBQ in July 2019.
- 40. William Johnston hired Ms. Slater.

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- 41. On or about 27 August 2020, Ms. Slater was employed as an assistant manager.
- 42. William Johnston promoted Ms. Slater to assistant manager.
- 43. On or about 27 August 2020, Ms. Slater resigned from working at Firehouse BBQ.

**FIRST CAUSE OF ACTION
SEXUAL HARASSMENT
A VIOLATION OF AS 18.80.220(a)(1)**

- 44. Paragraphs 1-43 above are realleged and incorporated herein.
- 45. Ms. Slater was subjected to sexual comments and sexual touching by William Johnston while employed at Firehouse BBQ.
- 46. The sexual comments and touching were pervasive.
- 47. The sexual comments and touching were severe.
- 48. The sexual comments included William Johnston requesting Ms. Slater to show her breasts.
- 49. The sexual comments included William Johnston exposing his penis.
- 50. The sexual comments included showing Ms. Slater videos of little persons engaged in sexual intercourse while she was in his office.
- 51. The sexual comments included showing Ms. Slater photos of at least one penis.
- 52. The sexual touching included William Johnston kissing Ms. Slater.
- 53. The sexual touching included William Johnston touching Ms. Slater's breasts.
- 54. The sexual touching included William Johnston grabbing Ms. Slater's crotch.
- 55. The sexual touching included William Johnston grabbing Ms. Slater's hand and inserting it into the front of his shorts.
- 56. The sexual comments and touching altered the terms and conditions of Ms. Slater's employment.

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- 57. Ms. Slater was not the only female employee who was subjected to William Johnston’s sexual comments and touching while at work.
- 58. William Johnston stated there was consensual flirting and touching of a sexual nature between himself and female employees, including Gwen Slater.
- 59. William Johnston accompanied another female employee to Anchorage for a Costco supply run. The female employee later told the manager that she did not want to be left alone with him because he started grabbing and kissing her.
- 60. That employee subsequently quit her employment with Firehouse BBQ.
- 61. William Johnston took his penis out of his pants on multiple occasions to show the office manager.
- 62. During one such occasion William Johnston took his penis out of his shorts and swung it, laughing in front of the manager.
- 63. William Johnston stated he advised the female employees that the flirting and sexual touching would discontinue immediately at any time it became uncomfortable.
- 64. More than one employee, including Ms. Slater and the manager told William Johnston to stop.
- 65. Ms. Slater told William Johnston to stop touching her and stop the sexual behavior.
- 66. Ms. Slater let William Johnston know that the sexual attention was unwelcome.
- 67. Ms. Slater complained about unwelcome sexual comments and touching to the other restaurant manager.
- 68. William Johnston continued making sexual comments, as well as continued sexually touching Ms. Slater.
- 69. Ms. Slater resigned from her employment with Firehouse BBQ on or about 27 August 2020.

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PRAYER FOR RELIEF

Wherefore the Executive Director asks for the following relief:

1. That the Commission issue an order declaring that Respondent and William Johnston, violated AS 18.80.220(a)(1) by subjecting Ms. Slater to discrimination based on sex.
2. That should Respondent or William Johnston reopen the previous or a new restaurant in Alaska, the Commission order Respondent and/or William Johnston to adopt and disseminate to all employees an approved statement of corporate policy reflecting Respondent's and William Johnston's nondiscriminatory posture accordingly.
3. That should Respondent or William Johnston reopen the previous or a new restaurant in Alaska, the Commission order Respondent and/or William Johnston to adopt and disseminate to all employees an approved statement of corporate procedures implementing/executing the approved corporate policy accordingly.
4. That should Respondent or William Johnston reopen the previous or a new restaurant in Alaska, the Commission order Respondent and/or William Johnston to provide copies of the Commission's sexual harassment flyer to all managers, supervisors, and employees accordingly.
5. That should Respondent or William Johnston reopen the previous or a new restaurant in Alaska, the Commission order Respondent and/or William Johnston to obtain three (3) hours of in-person training for its managers, supervisors, and employees on the provisions of the Alaska Human Rights Act that prohibits discrimination in employment, with an emphasis on sex-based discrimination, and that such order specifies the trainer and training curriculum be approved by Commission staff prior to the training being conducted accordingly.
6. That should Respondent or William Johnson reopen the previous or a new restaurant, the Commission order Respondent and/or William Johnston to

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provide continual annual training for its managers, supervisors, and employees, including a review of the restaurant’s policy and procedures, involving sexual harassment and encompass a summary of the applicable law(s) surrounding sexual harassment accordingly. Copies of the annual training records are to be provided to the Commission upon request.

- 7. That the Commission order Respondent and William Johnston to provide “back pay” to Ms. Slater beginning with the date of the alleged discrimination, 27 August 2020. Additionally, that the Commission order computation of back pay to include regular wages, an estimate of overtime wages that Ms. Slater would have earned during the period, and any benefits or increases that would normally accrue to Respondent’s employees of comparable seniority and ability, plus interest. The amount of back pay awarded to Complainant will be reduced by the amount earned from Complainant’s employment during the back pay entitlement period on a quarterly basis.
- 8. That the Commission order Respondent and William Johnston to send a check to the Commission, payable to Ms. Slater, along with a written explanation of how the monetary award was computed, within fifteen (15) days of the date the Commission issues its order, and that the Commission forward the check to Complainant.
- 9. That the Commission order Respondent and William Johnston to eliminate all documents and entries from Ms. Slater’s personnel records relating to the facts and circumstances that led to filing of the above-captioned charge of discrimination, and any of the related events occurring thereafter.
- 10. That the Commission order Respondent and William Johnston to refrain from penalizing Ms. Slater in any way in future considerations for employment, including if hired, for transfers, promotions, or upgrading because Ms. Slater complained about discrimination or because she filed a complaint with the Commission.

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11. That the Commission order Respondent and William Johnston to refrain from advising or informing any other employer or potential employer of Ms. Slater of the facts or circumstances involved in this case.

Dated at Anchorage, Alaska 11/23/2021.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

SIGNATURE
REDACTED

By: _____
Keoki J. Kim
Human Rights Attorney
ABA# 9505010

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