

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

ALASKA STATE COMMISSION FOR HUMAN RIGHTS, ROBERT W. CORBISIER, EXECUTIVE DIRECTOR, ex rel., SHIRLEY SHADBOLT, Complainant, v. AMERICAN LEGION MULDOON #29, INC. Respondent.

OAH No.

ASCHR No. J-22-011

ACCUSATION

Robert W. Corbisier, Executive Director of the Alaska State Commission for Human Rights, ex rel. Shirley Shadbolt, hereby alleges the following against Respondent, American Legion Muldoon #29, Inc.

Personal Jurisdiction

- 1. The Alaska State Commission for Human Rights ("ASCHR") is the state agency tasked with enforcing AS 18.80 which prohibits discrimination within the State of Alaska.
2. Shirley Shadbolt ("Ms. Shadbolt") is a resident of the State of Alaska.
3. American Legion Muldoon #29, Inc. ("Respondent") is organized under the laws of the State of Alaska as a nonprofit corporation with entity number 92845.

Subject Matter Jurisdiction

- 4. Under Alaska Statute 18.80.230(a)(1), it is unlawful for the owner, lessee, manager, agent, or employee of a public accommodation to refuse, withhold from, or deny to a person any of its services, goods, facilities, advantages, or privileges because of sex, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood, race, religion, color, or national origin.

ACCUSATION

ALASKA STATE COMMISSION FOR HUMAN RIGHTS 1901 Bragaw Street, Suite 300 Anchorage, Alaska 99508 (907) 276-7474

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CAUSE OF ACTION
AMERICAN LEGION MULDOON #29, INC.
DISCRIMINATION BASED UPON RACE
A VIOLATION OF AS 18.80.230(a)(1)

- 5. Ms. Shadbolt’s race is African American.
- 6. Respondent is a paid membership-based organization and has specific eligibility requirements for membership.
- 7. Respondent is governed by a constitution, bylaws, standing rules, policies and procedures.
- 8. Respondent is run by an administration of officers and an executive committee.
- 9. Respondent has a “canteen” that serves food and alcohol.
- 10. Respondent’s canteen hosts entertainment events that are open to the public.
- 11. American Legion Auxiliary Unit 29 (the “Auxiliary”) is the auxiliary to Respondent.
- 12. Membership in the Auxiliary is limited to qualified females.
- 13. The Auxiliary is a separate entity from Respondent.
- 14. Ms. Shadbolt was President of the Auxiliary beginning in May of 2022.
- 15. Kerry Hennings was 2nd Vice Commander of American Legion 29 , which is the second highest position in the organization, responsible for organizing activities and community outreach, or all relevant time periods related to this Accusation.
- 16. Kerry Hennings subjected Ms. Shadbolt to hostile and offensive, racial slurs, including phrases such as “black something,” “black liar,” “that,” “it,” and “bitch.”
- 17. Hennings told another member “that little nigger of yours” should know how to behave.
- 18. Angel Whitney, a member, subjected Ms. Shadbolt to hostile and offensive, racial slurs, such as “nigger bitch.”
- 19. Whitney spit on Ms. Shadbolt.

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- 20. Respondent’s male Caucasian leaders made racial slurs from time to time saying that they don’t want “people like us in the bar,” meaning black people, according to a black female member.
- 21. Respondent had a female Caucasian bartender deny African Americans entrance to the canteen.
- 22. Respondent had a male bartender refuse to serve an African American female at the bar.
- 23. A member filed complaints regarding racism.
- 24. Respondent did not contact the member who filed complaints of racism.
- 25. Upon information and belief, the member who filed the complaints regarding racism did not receive any response to her complaints.
- 26. The Charter of The American Legion, National Constitution, Section 2 states:
“A Post may suspend or expel a Post member from The American Legion only after providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and/or conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose their membership until given a fair trial by the Post or Department in such manner and form as the Post or Department By-Laws and Post Department Executive Committee shall prescribe.”
- 27. The Charter of The American Legion, National Constitution, Section 3 states,
“Any member who has been suspended or expelled has the right of appeal to their Department Executive Committee, or to the Department Convention, according to the provisions in the Bylaws of such Department. The decision of the Department shall be final.”
- 28. On August 30, 2021, Hennings submitted written complaints regarding Ms. Shadbolt.
- 29. On August 31, 2021, Respondent’s House Committee, which Hennings serves on, held a meeting regarding Hennings’ complaints.

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30. On September 8, 2021, Respondent requested that Ms. Shadbolt attend a meeting in front of the House Committee on September 14, 2021.

31. On September 14, 2021, Ms. Shadbolt attended the meeting in front of the House Committee.

32. The House Committee asked Ms. Shadbolt six questions.

33. The House Committee asked: Who notified you that there was a covid positive person within the post?

34. Ms. Shadbolt answered: Cookie Corey.

35. The House Committee asked: What did you do next?

36. Ms. Shadbolt answered: Called Wendy and Delores.

37. The House Committee asked: Did you ever contact the 2nd Vice Kerry Hennings?

38. Ms. Shadbolt answered: Don't have his number.

39. The House Committee asked: Why not?

40. Ms. Shadbolt answered: Earnest told me that he was in charge of the Post while Jeff Corey was out.

41. The House Committee asked: Why were the only ones notified the Auxiliary and Cooks?

42. Ms. Shadbolt answered: I only called Deloris, Cookie and Ted.

43. The House Committee asked: As the President of the Ladies Auxiliary, do you understand what a Chain of Command is and what the rolls of each officer are?

44. Ms. Shadbolt answered: Of course.

45. The House Committee dismissed Ms. Shadbolt after she answered their questions.

46. On September 21, 2021, Respondent's Executive Board suspended Ms. Shadbolt for one year.

47. Hennings was tasked with giving Ms. Shadbolt a letter of suspension.

48. Hennings did not give Ms. Shadbolt a letter of suspension.

49. Respondent did not give Ms. Shadbolt a letter of suspension.

50. On October 7, 2021, Hennings orally told Ms. Shadbolt that she was banned from the bar for one year.

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- 51. On October 7, 2021, Hennings orally instructed Ms. Shadbolt to leave an event being held at Respondent’s canteen.
- 52. Paragraphs 1 through 52 constitute unlawful discriminatory conduct in public accommodation based on race which is a violation of AS 18.80.230(a)(1).

PRAYER FOR RELIEF

Wherefore, the Executive Director asks for the following relief:

- 1. An order declaring Respondent, American Legion Muldoon #29, Inc., violated Alaska Stat. 18.80.230(a)(1) by discriminating against Ms. Shadbolt based on her race.
- 2. An Order requiring Respondent to issue a check payable to Ms. Shadbolt, in the amount equal to reimbursing her for six months of her 2021 membership dues within fifteen (15) days of the date of the order.
- 3. An Order requiring Respondent to issue an apology letter to Ms. Shadbolt within 30 days after the date the Commission approves this Agreement.
- 4. An Order requiring Respondent to adopt and disseminate to all employees and members, an approved statement of policy reflecting Respondent’s nondiscriminatory posture, including its opposition to harassment and opposition to any retaliatory practices within forty-five (45) days after the date of the order.
 - a. The policy shall provide that failure on the part of any employee or member to observe and implement such policy shall constitute grounds for disciplinary action, including dismissal, or revocation of membership.
 - b. Respondent shall send a copy of its proposed policy to the Commission for review and approval within fifteen (15) days of the date of the order.
 - i. The Commission will return any edits to the proposed policy within seven (7) days of receipt.

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- ii. Respondent shall submit the final revised policy to the Commission within five (5) days of receiving any edits. If no edits are required, Respondent shall submit the final version of the policy that is to be disseminated to the Commission within five (5) days of approval by the Commission.
 - iii. The final policy must be approved by the Commission before it is adopted and disseminated.
 - iv. Respondent agrees to confirm the policy has been adopted and disseminated to its employees and members and members within five (5) days of dissemination.
 - v. Respondent agrees to post the policy in its offices, meeting rooms, and in its canteen room area or other appropriate visible location frequented by employees and members and/or members.
5. An Order requiring Respondent to take each complaint of discrimination seriously and investigate in an unbiased, diligent, and timely manner. Accordingly, Respondent shall adopt procedures to implement the policy ordered above.
6. An Order requiring Respondent to create and periodically update procedures implementing the nondiscrimination policy within a reasonable time of any legal changes so as to ensure compliance with applicable law.
- a. The procedures shall include at a minimum the following elements:
 - i. In conformity with best practices, the complaint and investigation process shall include specific instructions regarding to whom and how to report discrimination, and what to do when a discrimination complaint is made.
 - ii. Respondent will create a written determination detailing and summarizing the investigation. The determination shall clearly:

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- 1. identify the allegation,
 - 2. summarize the facts and evidence, and
 - 3. summarize the outcome, including any actions taken.
- iii. Complainants shall receive a copy of the written determination. If a complainant is a non-English speaker, the written determination shall be translated into the relevant spoken language. The non-English speaking complainant shall also receive a copy of the determination written in English.
- b. All records relating to the investigation shall be kept and maintained for a minimum of three (3) years.
- c. The anti-discrimination procedure outlined above must be approved by the Commission before it is adopted and disseminated. Additionally:
- i. Said procedure shall be submitted to the Commission for review and approval within fifteen (15) days of the date of this order.
 - ii. The Commission will return any edits to the proposed procedures within seven (7) days of receipt.
 - iii. Respondent shall submit the final revised procedures to the Commission within five (5) days of receiving any edits. If no edits are required, Respondent shall submit the final version of the procedures that is to be disseminated to the Commission within five (5) days of approval by the Commission.
 - iv. The final procedures must be approved by the Commission before it is adopted and disseminated.
 - v. Said process shall be adopted and disseminated to employees and members within forty-five (45) days of the date of this order.

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vi. Respondent agrees to confirm the procedures have been adopted and disseminated to its employees and members and members within five (5) days of dissemination.

7. An Order requiring Respondent to provide training to its officers, executive board members, house committee members, members, managers, supervisors, employees, bartenders, and cook staff in the laws prohibiting discrimination in public accommodation, with an emphasis on racial discrimination within sixty (60) days of the date of this order.

a. The training shall be at least one (1) hour(s) in length and shall be conducted by a trainer approved by the Commission. The training must include instruction on the applicable law and should include examples or scenarios to explain how the law applies to situations or individuals in the workplace and public accommodation, but all topics must directly relate to the elements of the legal concepts being presented. The training shall be conducted in person.

b. The training must include a thorough discussion detailing the obligations and responsibilities of the officers, executive board members, house committee members, members, managers and supervisors, employees, bartenders, cook staff, when they witness discriminatory behavior or receive complaints about racial discrimination.

c. The training must also include, for each type of discrimination being discussed, an explanation of the employees and members' and members' rights and remedies, including a procedure for complaining about discrimination and assurances that employees and members will not be retaliated against for any complaints they make.

d. Respondent shall send a copy of the resume of the person it proposes to conduct this training along with an outline of the proposed program

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and training materials to the Commission for review and approval thirty (30) days prior to the date of the training.

- e. The Commission will return any edits to the proposed training materials within seven (7) days after receipt.
 - f. Respondent, or the approved trainer, shall submit the final revised training materials to the Commission within five (5) days of receiving any edits. If no edits are required, Respondent, or the approved trainer, shall submit a copy of the final approved training materials to the Commission within five (5) days of approval by the Commission.
 - g. Respondent agrees to provide documentation of the date(s) of training sessions, including but not limited to a list of all officers, executive board members, house committee members, members, managers and supervisors, employees, bartenders and cook staff, the sign-in sheet for all attendees, and any handouts distributed during the training session, within five (5) days after completion of the training.
 - h. Respondent further agrees, if applicable, to provide a list of any officers, executive board members, house committee members, members, managers and supervisors, employees, bartenders and cook staff, who were unable to attend the training session, the reason for each training exception (i.e., failure to timely comply with the training requirement). as well as advise when it is anticipated the officers, executive board members, house committee members, members, managers and supervisors, employees, bartenders and cook staff will complete the training.
8. Respondent shall submit a report to the Commission within ninety (90) days of the date of the order, describing the manner in which it has carried out the undertakings herein outlines.

ACCUSATION

Dated at Anchorage, Alaska 10/10/2025.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

By: 

Keoki J. Kim
Human Rights Attorney
Alaska Bar No. 9505010

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CERTIFICATE OF SERVICE

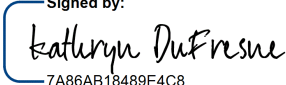
I hereby certify that on 10/10/2025, true and correct copies of the foregoing **Accusation** and accompanying **Referral of Complain to Hearing** and **Entry of Appearance** were served via Certified Mail on:

Shirley Shadbolt
1533 Latouche Street #D
Anchorage, AK 99501

American Legion Muldoon #29
c/o Sharon Cherrette
1467 Muldoon Road
Anchorage, AK 99504

and that the original filing was submitted on the same date to:

Dorene Lorenz, Chairperson
Alaska State Commission for Human Rights
1901 Bragaw Street, Suite 300
Anchorage, AK 99508

Signed by:

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Kathryn DuFresne, Law Office Assistant II

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