

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., EMILY STEVENSON Complainant, v. PACRIM PROPERTIES LLC, and COMMODORE PARK TOWNHOME CONDOMINIUMS Respondent.

OAH No.

ASCHR No. J-24-095

ACCUSATION

Robert W. Corbisier, Executive Director of the Alaska State Commission for Human Rights, ex rel. Emily Stevenson, hereby alleges the following against PacRim Properties LLC and Commodore Park Townhome Condominiums:

Personal Jurisdiction

- 1. Alaska State Commission for Human Rights ("ASCHR") is a state agency tasked with enforcing AS 18.80 which prohibits discrimination within the State of Alaska. 2. Emily Stevenson ("Complainant") is a resident of the State of Alaska. 3. PacRim Properties LLC (PacRim) is a limited liability company in the State of Alaska. 4. Commodore Park Townhome Condominiums Owners Association, Inc. (the condo association) is a corporation in the State of Alaska.

Subject Matter Jurisdiction

- 1. Under Alaska Statute 18.80.240(2), it is unlawful for the owner, lessee, manager, or other person having the right to sell, lease, or rent real property... to discriminate against a person because of sex, marital status, pregnancy, race, religion, physical or mental disability, ... relating to the use, sale, lease, or rental of real property....

ACCUSATION

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

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 2. Under Alaska Statute 18.80.260, it is unlawful for a person to aid, abet, incite, compel, or coerce the doing of an act forbidden under this chapter or to attempt to do so.

Facts Common to All Counts

- 1. Complainant is a person with a disability based upon blindness.
- 2. Complainant owns a unit at Commodore Park Townhome Condominiums.
- 3. Commodore Park Townhome Condominiums is overseen by a condo association: Commodore Park Townhome Condominium Owners Association, Incorporated.
- 4. PacRim Properties LLC is employed by Commodore Park Townhome Condominium Owners Association, Incorporated to provide property management services.
- 5. The “Declaration Submitting Real Property to Horizontal Property Regime Commodore Park Townhome Condominiums Phase One” dated May 4, 1983, defines Common Areas as:
 - A. The Land described in Article 1 above, the air space above same, except the airspace occupied by each of the Units, and all improvements situate upon such Land, except those improvements which are elsewhere herein described.
 - B. The foundation, columns, girders, beams, supports, bearing walls, stairways, ducts, flues, corridors and roof of the Condominium Building.
 - C. Except as otherwise set forth herein, the installations of common utility services now or hereafter metered to and for the exclusive use of an individual Unit, the Common Area extends only to and does not include such meter; and the meters, wires, conduits or pipes from the same are “improvement” belonging exclusively to each particular Unit regardless of where located. The pipes, conduits and wires from the exterior of the perimeter walls, floors or

ACCUSATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ceilings of each Unit are the exclusive property and responsibility of the Owner of the Unit.

D. Those parts of the Project designated as Common Area on the Survey Maps and Floor Plans.

E. All other parts of the Project necessary or convenient to its existence, maintenance and safety, or normally in common use.

6. The “Declaration Submitting Real Property to Horizontal Property Regime Commodore Park Townhome Condominiums Phase One” defines Limited Common Areas as: “The Limited Common Areas and Facilities reserved for the use of one Unit, to the exclusion of all other Units, are as show on the Survey Maps and Floor Plans and are further described on Exhibit “B” attached, which is made a part hereof.”

7. Exhibit B describes the Limited Common Areas and Facilities as: Exterior Decks, Inside Parking, Storage Space, Outside Parking, and Yards.

8. The “Declaration Submitting Real Property to Horizontal Property Regime Commodore Park Townhome Condominiums Phase One” defines the Board of Director duties as: “Cause the Common Areas to be maintained; Cause other maintenance and repair to the Project as provided for in this Declaration, the Bylaws of the Association, or by law; Perform all other duties required by law, this Declaration, and the Bylaws, or reasonably implied from any of the foregoing.”

9. The “Declaration Submitting Real Property to Horizontal Property Regime Commodore Park Townhome Condominiums Phase One” clarifies the duties of the homeowners regarding maintenance and repair by stating: “Each Owner must perform promptly all maintenance and repair work within such Owner’s Unit, which if omitted would affect the Project in its entirety or in a part belonging to the other Owners, and is expressly responsible for the damages and liabilities that failure to do so may engender. The repair of internal installations of a Unit such as

ACCUSATION

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

light, power, sewage, telephones, sanitary installations, doors and windows, and all other accessories belonging to the Unit, shall be at the Owner’s expense.”

10. On July 15, 2022, Complainant submitted a Request for Unit Modification requesting to add a railing to the right side of the step for safety on the front porch of her unit.

11. On July 25, 2022, the PacRim informed Complainant that the Board of Directors had approved the request for railing upon the condition that the railing be black metal.

12. On July 25, 2022, Complainant stated to PacRim: “I thought the front porch due to being ADA regulations and it being an accessibility issue that the front porch falls under (sic) HOA maintenance job description.”

13. On July 25, 2022, PacRim stated to Complainant: “The front stair (sic) do not require a rail if you would like to put one up it will be at your expense.”

14. Complainant obtained grant funds and arranged for installation of the railing at her expense.

15. On April 30, 2024, she submitted another Request for Unit Modification which was approved on April 30, 2024.

16. On June 20, 2024, PacRim informed Complainant of a violation for unauthorized modification and demanded that she remove the railing and/or replace it with black metal. They stated failure to do so by June 27, 2024, would result in daily fines up to foreclosure proceedings.

**FIRST CAUSE OF ACTION
COMMODORE PARK TOWNHOME COMDOMINIUM OWNERS
ASSOCIATION, INCORPORATED
DISCRIMINATION BASED UPON DISABILITY – BLINDNESS
A VIOLATION OF AS 18.80.240(2) and AS 18.80.260**

1. Paragraphs 1 – 11 Facts Common to All Counts are realleged and incorporated herein.

ACCUSATION

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 2. For Complainant to safely access her condo, she requested that the Commodore Park Townhome Condominium Owners Association, Inc, install railings to accommodate her blindness disability.
- 3. The condo association refused to do so. They required Complainant do it at her own expense.
- 4. When Complainant did so, the condo association threatened fines and foreclosure for failing to comply with their preferred construction materials guidelines.
- 5. Alaska Statute 18.80.240(2) prohibits discrimination against a person based upon disability in the use of real property. By failing to provide disability access and threatening fines and foreclosure when Complainant did it herself, the condo association discriminated against Complainant.

**SECOND CAUSE OF ACTION
PACRIM PROPERTIES, LLC DISCRIMINATION
BASED UPON DISABILITY – BLINDESS
A VIOLATION OF AS 18.80.240(2) and AS 18.80.260**

- 6. PacRim Properties, LLC, advised the condo association that they are not responsible to install at their own expense a safety railing for disability access on the outside entry of Complainant’s unit.
- 7. PacRim repeatedly communicated to Complainant on behalf of the Condo Association that the condo association would not provide disability access on the outside entry of Complainant’s unit.
- 8. PacRim repeatedly communicated to Complainant on behalf of the condo association that Complainant must pay for the cost of a safety railing on the outside entry of her unit.
- 9. PacRim repeatedly communicated to Complainant on behalf of the condo association that Complainant was subject to fines and foreclosure for failing to install a black metal railing instead of wooden railing.

ACCUSATION

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

10. Alaska Statute 18.80.260 prohibits a person from aiding and abetting in discriminatory acts prohibited under Title 18. By advising the condo association that it does not have a duty to provide a safety railing for a disabled person in one of their common areas, PacRim aided and abetted the condo association in discriminating against Complainant.

11. Alaska Statute 18.80.260 prohibits a person from aiding and abetting in discriminatory acts prohibited under Title 18. By communicating to the Complainant that it was not the condo association’s responsibility to provide a safety railing, PacRim aided and abetted the condo association in discriminating against Complainant.

12. Alaska Statute 18.80.260 prohibits a person from aiding and abetting in discriminatory acts prohibited under Title 18. By communicating to the Complainant that it we her responsibility to provide a safety railing, PacRim aided and abetted the condo association in discriminating against Complainant.

13. Alaska Statute 18.80.260 prohibits a person from aiding and abetting in discriminatory acts prohibited under Title 18. By communicating to the Complainant that she was subject to fines a foreclosure for installing a wooden railing, instead of a black metal railing, PacRim aided and abetted the condo association in discriminating against Complainant.

PRAYER FOR RELIEF

Wherefore, the Executive Director asks for the following relief:

1. An order declaring Respondent, Commodore Park Townhome Condominium Owners Association, Incorporated violated AS 18.80.240 and AS 18.80.260 by refusing to provide Emily Stevenson with disability access to her condo.
2. An order declaring Respondent, PacRim Properties, LLC, violated AS 18.80.240 and AS 18.80.260 by aiding and abetting Commodore Park Townhome Condominium Owners Association in their refusal to provide Emily Stevenson with disability access to her condo.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 3. Order Respondents to allow Emily Stevenson to keep the railing she installed without threat of fines or foreclosure.
- 4. Order that the Respondents establish reasonable guidelines for providing reasonable accommodation for owners with disabilities.
- 5. Order the Respondents to review and revise their policies, procedures, and applicable code, or develop a disability discrimination complaint and investigation process.
- 6. Order the Respondents to take any complaint of disability discrimination seriously and investigate in an unbiased, diligent, and timely manner. The complaint and investigation process shall include the following elements: detailed records of the investigation shall be maintained for a period of three (3) years; at the conclusion of each investigation, a written Determination shall be prepared and shall clearly state the allegation, a summary of the facts and evidence, and the outcome including any actions taken; the Complainant shall receive a copy of the Determination. If the Complainant is a non-English speaker, the Determination shall be read to the Complainant at the time the written copy is provided to him/her.
- 7. Order the Respondents to adopt and disseminate to all members of the homeowner’s association an approved statement of policy reflecting Respondents nondiscriminatory posture and opposition to disability discriminatory practices within ninety (90) days of the date the Commission approves this Agreement, as well as provide that failure on the part of any members to observe and implement such policy shall constitute grounds for disciplinary action.
 - a. Respondents shall send a copy of its proposed policy to the Commission for review and approval within a reasonably designated time; the policy must be approved by the Commission before it is adopted and disseminated.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 8. Order Respondents to adopt and disseminate to all homeowners an approved statement of procedures implementing its Corporate Policy discussed above in paragraph 7, within a reasonably designated time.
 - a. Respondents shall send a copy of its proposed procedures to the Commission for review and approval within a reasonably designated time.
 - b. The procedures must be approved by the Commission before they are adopted and disseminated.
 - c. Respondents agree to confirm the procedures have been adopted and disseminated within a reasonably designated time.
- 9. Order Respondents to distribute and/or post instructions on how homeowners can report complaints of discrimination in accessible/common areas.
- 10. Order Respondents to provide two (2) hours of training, by a neutral third-party trainer approved by the Commission, to the Board of Directors and staff in the laws prohibiting religious discrimination in government services, to include:
 - a. A section on investigating and responding to complaints of discrimination to eliminate the practices that resulted in the alleged discrimination and the insufficient investigation of the discrimination allegations.
 - b. Instruction on the applicable law, with examples or scenarios to explain how the law applies to situations or members of condo associations.
 - c. All topics must directly relate to the elements of the legal concepts being presented.
 - d. Must include an explanation of a homeowner’s rights and remedies, along with a procedure for complaining about disability discrimination and assurances that homeowners will not be retaliated against for any disability complaints they make.

ACCUSATION

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated at Anchorage, Alaska 5/15/2025.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

DocuSigned by:
Keoki Kim
By: _____
D83F6555F78F4B9...
Keoki J. Kim
Human Rights Attorney
Alaska Bar No. 9505010

CERTIFICATE OF SERVICE

I hereby certify that on 5/15/2025, true and correct copies of the foregoing **Accusation** were served via Certified Mail on:

Emily Stevenson [Sent via Alaska ZendTo per accommodation request]
1520 Elcadore Drive, Unit 132
Anchorage, AK 99507

PacRim Properties LLC
c/o Christine Caswell
405 W 27th Ave
Anchorage, AK 99503

William J. Evans, Esq.
Sedor Wendlandt Evans Fillipi
500 L Street, Suite 500
Anchorage, AK 99501

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:
Kathryn Dufresne
7A86AB18489E4C8...
Kathryn Dufresne, Law Office Assistant

ACCUSATION