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4. Throughout her employment with ABC, Ms. Cole was subjected to inappropriate comments and gestures of a sexual nature by its male employees, several of whom were known registered sex offenders. The primary perpetrator of this harassment was ABC's fleet operations manager, Lawrence Gamble, Sr.

5. Mr. Gamble was employed by ABC since approximately 2014, and ABC was aware that Mr. Gamble had a criminal history for sexual misconduct.

6. During Mr. Gamble's employment, ABC received several complaints from employees that they had been sexually harassed by Mr. Gamble, and management had multiple discussions with Mr. Gamble about his inappropriate behavior. Nevertheless, ABC allowed Mr. Gamble to supervise and work in close proximity to other employees, including Ms. Cole.

7. Ms. Cole's job duties required her to interact with Mr. Gamble on a daily basis, often without other employees or customers present.

8. Every time that Mr. Gamble saw Ms. Cole, he would stare at her from head to toe and make sexual comments and gestures. Mr. Gamble would regularly roll his eyes in the back of his head or stick out his tongue and hold his hands to his chest in a praying position, saying "If only I had the opportunity. Would you let me have the opportunity? You have no idea what I'd do to you."

9. Each time Ms. Cole needed Mr. Gamble's assistance with a motorhome rental, Mr. Gamble would comment on her body, his own sexual organs, or the way she

1 looked in a particular piece of clothing before assisting her. He would say, "I love it when
2 you wear those, I love the way they fit you, it makes me hard."
3

4 10. One day, while Ms. Cole was alone in the break room with Mr. Gamble, Mr.
5 Gamble told her that he was a registered sex offender because he let his nieces and nephews
6 give him oral sex, and that he believed this was normal.
7

8 11. Because Mr. Gamble was her supervisor, Ms. Cole was initially afraid to
9 report his conduct to ABC management. However, when Ms. Cole shared her experiences
10 with her colleagues, she discovered that Mr. Gamble was harassing them as well.
11

12 12. In early August 2017, an underage female employee described an incident in
13 which Mr. Gamble entered the motorhome the employee was preparing, trapped her
14 inside by blocking her only way out, and made unwanted sexual comments about her
15 body.
16

17 13. Ms. Cole told the female employee about her own experiences with Mr.
18 Gamble, and the two agreed that they needed to report Mr. Gamble's conduct to the
19 reservations supervisor, Laura Hill.
20

21 14. On or about August 13, 2017, the underage employee reported her own
22 experience with Mr. Gamble to Ms. Hill, and informed Ms. Hill that she was not the only
23 employee Mr. Gamble was sexually harassing.
24

25 15. On August 14th, Ms. Hill informed ABC's rental operations manager and
26 sales manager about the female employee's complaint and expressed her concern that Mr.
27 Gamble's conduct was creating a hostile work environment. Ms. Hill told them that it
28

ACCUSATION - Page 3

ASCHR, Marilyn Stewart, Executive Director, ex rel. Dorothy Cole v. ABC Motor Home Rentals, Inc., ASCHR No. J-18-015

1 appeared that other employees were being subjected to similar conduct by Mr. Gamble and
2 asked for guidance on what action to take to provide a safe environment for the female
3 employee and other ABC staff.
4

5 16. Ms. Hill and Mr. Justice subsequently interviewed three female employees,
6 including Ms. Cole, each of whom described different versions of unwelcome advances and
7 comments of a sexual nature by Mr. Gamble.
8

9 17. Based upon these reports, Mr. Gamble's prior instances of misconduct, and
10 Mr. Gamble's own admissions, ABC terminated Mr. Gamble's employment on or about
11 August 15, 2017. ABC denied Mr. Gamble's request to be transferred from rentals to sales,
12 informing him that a transfer was not an option because both departments were still under
13 the same "ABC umbrella."
14

15 18. Following Mr. Gamble's termination, ABC apologized to Ms. Cole and the
16 other female employees, informed them that Mr. Gamble had been fired, and assured them
17 that Mr. Gamble would no longer be allowed on ABC's premises.
18

19 19. On or about December 27, 2017, Mr. Gamble returned to ABC, approached
20 Ms. Cole at her workstation, and pulled her head to his chest. The contact was extremely
21 offensive to Ms. Cole, and Ms. Cole chose to take an early lunch to get away from Mr.
22 Gamble. However, Mr. Gamble followed Ms. Cole as she headed toward her vehicle.
23
24

25 20. On or about January 4, 2018, Mr. Gamble again returned to ABC, threw his
26 arms around Ms. Cole, and said, "Hey, did you hear I'm back?" Ms. Cole asked Mr.
27
28

ACCUSATION - Page 4

1 Gamble to clarify what he meant, and Mr. Gamble replied that he had been hired back by
2 ABC.
3

4 21. That same day, Ms. Cole sent an email to Mr. Justice describing what had
5 happened and explaining that Mr. Gamble's actions terrified her and made her feel
6 extremely uncomfortable. Ms. Cole told Mr. Justice that she wanted him to know that Mr.
7 Gamble had returned given that ABC had assured her that Mr. Gamble was not allowed on
8 the premises. Ms. Cole did not receive any response from Mr. Justice.
9

10 22. The next day, on January 5th, Ms. Cole followed up with Mr. Justice. Mr.
11 Justice responded via text message that the situation was being handled.
12

13 23. On January 6th, Ms. Cole sent Mr. Justice a follow up email, asking him to
14 explain what he meant when he said that he "was handling it." Mr. Justice again did not
15 respond.
16

17 24. That evening, Ms. Cole submitted her two weeks' notice to ABC's office
18 manager/human resource representative. Ms. Cole described her encounters with Mr.
19 Gamble and expressed her concern about ABC's failure to respond to her complaints or
20 provide her with any warning that it had rehired Mr. Gamble. Ms. Cole stated that her last
21 day of employment would therefore be January 18th.
22

23 25. Ms. Cole did not receive any response to her January 6th email.
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25 26. On January 9th, Ms. Cole re-submitted her resignation, this time to ABC's
26 rental supervisor. She again stated that January 18th would be her last day.
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40. Paragraphs 1-30 above are realleged and incorporated herein.

41. Dorothy Cole was employed by ABC from May 2017 until January 2018.

42. Ms. Cole was subjected to offensive sexual comments, suggestions, and gestures by members of ABC's staff, including ABC's fleet operations manager, Lawrence Gamble, Sr., while employed by ABC.

43. Mr. Gamble's sexual comments, suggestions, and gestures were severe and pervasive, and were directed at Ms. Cole because of her sex.

44. Mr. Gamble's sexual comments and conduct were unwelcome and offensive to Ms. Cole, and Mr. Gamble's continued presence and unwanted remarks and physical touching of Ms. Cole following his termination significantly altered the terms and conditions of her employment and created a hostile work environment.

45. ABC failed or refused to take any action to remedy the hostile work environment to which Ms. Cole had been subjected.

46. Because ABC took no action to remedy the hostile work environment, Ms. Cole had no reasonable option but to quit her job.

47. As a result, Ms. Cole has suffered damages in the form of lost wages, benefits, and other remuneration.

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48. These failures by ABC, together with the constructive discharge of Ms. Cole as described in the preceding paragraphs, constitute a violation of AS 18.80.220(a)(1).

**THIRD CAUSE OF ACTION
RETALIATION FOR COMPLAINING ABOUT DISCRIMINATION
A VIOLATION OF AS 18.80.220(a)(4)**

49. Paragraphs 1-30 above are realleged and incorporated herein.

50. Ms. Cole complained to ABC that Mr. Gamble returned to ABC on multiple occasions following his termination, despite ABC's assurance to Ms. Cole that Mr. Gamble was no longer permitted on its premises.

51. Ms. Cole also complained to ABC that Mr. Gamble subjected her to unwelcome physical touching while at her workplace.

52. Ms. Cole also complained to ABC that Mr. Gamble's continued presence at her workplace and ABC's failure to address her complaints or take remedial action to address the sexual harassment created a hostile work environment.

53. Ms. Cole also complained to ABC that she would have to resign as a result of Mr. Gamble's continued presence at the workplace and ABC's failure to respond to her complaints.

54. Ms. Cole's complaint to ABC that Mr. Gamble subjected her to unwelcome sexual touching constituted opposition to a practice forbidden under AS 18.80.200 – AS 18.80.280.

1 3. That the Commission issue an order declaring that Respondent violated AS
2
3 18.80.220(a)(4) by retaliating against Ms. Cole when it terminated her employment and
4 placing a note in her personnel file stating that she was suspected of committing credit card
5 fraud.

6 4. That the Commission order Respondent to adopt and disseminate a policy
7
8 of nondiscrimination under the Alaska Human Rights Law, including a policy prohibiting
9 discrimination against employees on the basis of sex and a policy prohibiting retaliation
10 for complaining about discrimination.

11 5. That the Commission order Respondent to obtain training of at least six (6)
12
13 hours for its owners, managers, and supervisors on the provisions of the Alaska Human
14 Rights Law that prohibit discrimination in employment, with an emphasis on sex
15 discrimination, preventing a hostile work environment, and retaliation.

16 6. That the Commission order Respondent to obtain an additional training of
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18 at least two (2) hours for all of its employees on the provisions of the Alaska Human
19 Rights Law that prohibit discrimination in employment, with an emphasis on sex
20 discrimination.

21 7. That the Commission's order specify that the trainer or trainers and
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23 training curricula be approved by the Executive Director prior to the training being
24 conducted.

25 8. That the Commission order Respondent to eliminate from Ms. Cole's
26
27 personnel records all documents and entries relating to the facts and circumstances that led
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1 to Ms. Cole's filing of the above-captioned charge and any of the related events occurring
2 thereafter, including the alleged suspicions of credit card fraud.

3
4 9. That the Commission order Respondent to refrain from penalizing Ms. Cole
5 in any way in future considerations for employment and, if rehired, for transfers,
6 promotions, or upgrading because Ms. Cole complained about discrimination or because
7 she filed a complaint with the Commission.
8

9 10. That the Commission order Respondent to refrain from advising or informing
10 any other employer or potential employer of Ms. Cole of the facts or circumstances
11 involved in this case.
12

13 11. That the Commission order Respondent to pay back pay, including any lost
14 benefits or other remuneration, to Ms. Cole, plus interest at the applicable legal rate, the
15 exact amount of which will be proven at hearing.
16

17 12. That the Commission order Respondent to pay Ms. Cole the statutory
18 maximum amount of front pay, including benefits or remuneration, the exact amount of
19 which will be proven at hearing.
20

21 Dated this 15th of July 2019 at Anchorage, Alaska.

22 ALASKA STATE COMMISSION
23 FOR HUMAN RIGHTS

24 Signature Redacted

25 Marie Kyle
26 Human Rights Attorney
27 Alaska Bar No. 0508067
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