

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR)
HUMAN RIGHTS, MARTI BUSCAGLIA,)
EXECUTIVE DIRECTOR, *ex rel.*)
THAILANDO LINNEAR,)
Complainant,)
v.)
QUANTUM INVESTMENTS, LLC, d/b/a)
BARRATT INN ANCHORAGE AIRPORT,)
Respondent.)

ASCHR NO. J-14-372

RECEIVED
HUMAN RIGHTS COMMISSION
SEP 11 2018

VIA: HD TIME: 10:30 BY: [Signature]

FINAL ORDER

The Hearing Commissioners, in accordance with AS 18.80.130 and 6 AAC 30.480, hereby adopt the Administrative Law Judge's Recommended Consent Order dated June 5, 2018, in its entirety providing the following relief:

1. That the Barratt Inn will adopt and disseminate to all employees, residents, and potential residents a policy of nondiscrimination under the Alaska Human Rights Law, including a policy for providing reasonable accommodations (including the use of service animals) to residents with disabilities.
2. That the Barratt Inn will obtain, within thirty days of the Commission's order, training conducted by a neutral, third-party trainer, of at least four hours in length, for its owners, managers, and employees on the provisions

Hearing Unit
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of the Alaska Human Rights Law that prohibit discrimination against persons with disabilities.

- 3. That the foregoing policy, trainer, and training curriculum be subject to approval by the Executive Director.
- 4. That the Barret Inn allow Mr. Linnear access to its facility with a service animal, subject to the restrictions imposed by state and/or federal law.

Judicial review is available to the parties pursuant to AS 18.80.135 and AS 44.62.560-570. An appeal must be filed with the superior court within 30 days from the date this Final Order is mailed or otherwise distributed to the parties.

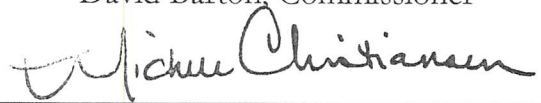
IT IS SO ORDERED.

DATED: September 11, 2018



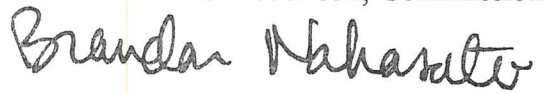
David Barton, Commissioner

DATED: September 11, 2018



Michele Christiansen, Commissioner

DATED: September 11, 2018



Brandon Nakasato, Commissioner

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CERTIFICATE OF SERVICE

I certify that on September 11, 2018, a true and correct copy of the foregoing **Final Order** was hand delivered to:

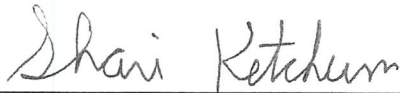
Marie Kyle, Human Rights Attorney
Alaska State Commission for Human Rights
800 A Street, Suite 204
Anchorage, AK 99501

and mailed by first-class U.S. mail, postage prepaid to:

Respondent or Respondent's Representative
Quantum Investments, LLC
c/o Chung Ki Choe, Registered Agent
4610 Spenard Road
Anchorage, AK 99517

and mailed by first-class U.S. mail, postage prepaid to:

Cheryl Mandala, Administrative Law Judge
State of Alaska
Office of Administrative Hearings
550 W. 7th Avenue, Suite 1940
Anchorage, AK 99501



Shari Ketchum
Commission Secretary

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON
APPOINTMENT BY THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS**

Alaska State Commission for Human Rights)
Marti Buscaglia, Executive Director, *ex rel.*,)
THAILANDO LINNEAR,)
)
Complainant,)
)
v.)
)
QUANTUM INVESTMENTS, LLC d/b/a)
BARRATT INN ANCHORAGE AIRPORT,)
)
Respondent.)
_____)

OAH No. 17-0640-HRC
ASCHR No. J-14-372



RECOMMENDED CONSENT ORDER

I. Introduction

The Executive Director of the Alaska State Commission for Human Rights issued an Accusation alleging that Respondent Quantum Investments, LLC d/b/a Barratt Inn Anchorage Airport (“Barratt Inn”) discriminated against Complainant Thailando Linnear by refusing to allow him to reside at the Barratt Inn with a service animal. During the hearing, the parties reached a resolution, by which respondent agreed to entry of a consent order, as described and recommended herein.

II. Background

A. Accusation

The Accusation alleges that on November 24, 2014, Mr. Linnear signed a one-month lease to reside at the Barratt Inn; that on or about November 28, 2014, Mr. Linnear informed the Barratt Inn that he had a service animal due to his disability; and that the Barratt Inn’s manager told Mr. Linnear that the Barratt Inn had a “no pets” policy and refused to allow Mr. Linnear to reside at the Barratt Inn with his dog, whether or not it was a “service animal.” The Accusation further asserts that Mr. Linnear informed the manager that his dog was a service animal, but the manager told Mr. Linnear that he did not care about his dog and then instructed his staff not to extend Mr. Linnear’s lease, stating that Mr. Linnear “needs to find his own place.”

B. Hearing proceedings

The matter was referred to OAH on June 8, 2017. Numerous prehearing status conferences were held, and the parties made multiple attempts to resolve the case prior to hearing. These efforts were ultimately unsuccessful, and, on March 2, 2018, the matter was set for hearing.

The hearing began on Monday, May 21, 2018. The Executive Director was represented by Human Rights Attorney Marie Kyle, and Respondent was represented by Chung Choe, the sole member and owner of Quantum Investments, LLC. At Mr. Choe's request, the parties were assisted by a Korean language interpreter.

1. Mr. Linnear's testimony

Mr. Linnear testified that he suffers from seizures as a result of his diabetes, and that his dog assists him with his disability by alerting others when he has a seizure. Mr. Linnear testified that he and his girlfriend had checked into the Barratt Inn in November 2014 because he was in between apartments and had no other place to stay. He testified that, on check-in, he informed the front desk employee that he had a service animal, and that the hotel staff initially had no problem allowing his dog to stay with him in his room, but that when he went to the front desk a few days later to ask about switching rooms, the manager of the hotel cursed at him and told him that neither he nor his dog were welcome at the hotel. Mr. Linnear testified that he explained to the manager that his dog was a service animal that helps him with his disability, and that the law permits him to be accompanied by his service animal, but that the manager responded that he did not care about Mr. Linnear's service animal or what the law requires. Mr. Linnear testified that he checked out of the Barratt Inn following this encounter.

2. Resolution and agreement to entry of consent order

Shortly after Mr. Choe began his cross-examination of Mr. Linnear, the parties reached a resolution of this matter. Acting on behalf of Respondent, and with the assistance of an interpreter, Mr. Choe voluntarily agreed not to contest the allegations in the Accusation or Mr. Linnear's testimony, that all of the allegations in the Accusation would be admitted, that the Barratt Inn was liable for violating the Alaska Human Rights Law, and that a consent order would be issued providing for the remedies sought by the Executive Director.

III. Recommended Order

Accordingly, upon the consent of the parties, it is recommended that the Commission enter an order providing for the following relief:

Recommended Consent Order — Page 2

ASCHR, Marti Buscaglia, Executive Director, ex rel. Thailando Linnear v. Quantum Investments, LLC, dba Barratt Inn Anchorage Airport, ASCHR No. J-14-372; OAH No. 17-0640-HRC

1. That the Barratt Inn will adopt and disseminate to all employees, residents, and potential residents a policy of nondiscrimination under the Alaska Human Rights Law, including a policy for providing reasonable accommodations (including the use of service animals) to residents with disabilities.
2. That the Barratt Inn will obtain, within thirty days of the Commission's order, training conducted by a neutral, third-party trainer, of at least four hours in length, for its owners, managers, and employees on the provisions of the Alaska Human Rights Law that prohibit discrimination against persons with disabilities.
3. That the foregoing policy, trainer, and training curriculum be subject to approval by the Executive Director.
4. That the Barratt Inn allow Mr. Linnear access to its facility with a service animal, subject to the restrictions imposed by state and/or federal law.

DATED June 5, 2018.



Cheryl Mandala
Administrative Law Judge