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

ALASKA STATE COMMISSION FOR )  
HUMAN RIGHTS, PAULA M. )  
HALEY, EXECUTIVE DIRECTOR, )  
ex rel. LESTER HUBBARD, )

Complainant, )

v. )

ASCHR No. C-04-157  
OAH No. 08-0185-HRC

ALASKA COMPUTER ESSENTIALS, )  
INC. )

Respondent. )  
\_\_\_\_\_ )

AMENDED COMPLAINT

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights,  
ex relatione Lester Hubbard, submits the following Amended Complaint:

1. Lester Hubbard is a person aggrieved by discriminatory conduct prohibited by AS 18.80.230. At all times relevant hereto Mr. Hubbard had a physical disability as that term is defined in the Americans with Disabilities Act and AS 18.80.300(12)(A).
2. At all times relevant herein, and for the purposes of the Complaint, Respondent, Alaska Computer Essentials, Inc., was and remains a corporation domiciled and doing business in the state of Alaska.
3. George Elkins is the owner of Alaska Computer Essentials, Inc.

- 1 4. Lester Hubbard is a person with a disability within the meaning of AS  
2 18.80.300, because he is paraplegic who uses a wheelchair for mobility.  
3
- 4 5. On August 16, 2004, Lester Hubbard began training at Respondent's school  
5 as a reemployment benefit of Alaska Worker's Compensation law in a class  
6 that was scheduled for six hours a day.  
7
- 8 6. At the time Hubbard was enrolled in the class, Respondent's classrooms and  
9 premises had no restrooms accessible to persons who use wheelchairs for  
10 mobility.  
11
- 12 7. In spite of the lack of accessible restrooms, Hubbard tried unsuccessfully to  
13 attend the entire six hour class period. On one such occasion, Hubbard  
14 suffered the embarrassment of soiling himself when he needed to use the  
15 restroom prior to the end of the class period.  
16
- 17 8. Due to the lack of wheelchair accessible restrooms at Respondent's business,  
18 Hubbard was unable to remain at Respondent's school for the time required  
19 to attend the class and attended for two hours per day instead of six hours per  
20 day as required.  
21
- 22 9. In light of the lack of accessible restrooms at the school, Respondent owner  
23 George Elkins visited Hubbard at his hotel room to attempt to assist him, but  
24 this was an ineffective accommodation, as Mr. Elkins lacked the appropriate  
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28 Amended Complaint

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wireless equipment to instruct Hubbard in the hotel room and this attempt to provide instruction did not put Hubbard in the same position as his classmates who were able to attend the class for the requisite six hours per day.

10. As a result of Respondent's failure to provide wheelchair accessible bathroom facilities, Hubbard was unable to complete the course at Alaska Computer Essentials, Inc.

11. Subsequent to the time that Hubbard was enrolled in the class, Respondent moved his place of business.

12. To date, George Elkins has refused to allow inspection of his current place of business to confirm whether the building has wheelchair-accessible restrooms and is otherwise accessible to persons with disabilities.

**FIRST CAUSE OF ACTION – DISABILITY DISCRIMINATION**

Paragraphs 1 through 12 are incorporated herein as if set forth in full.

1. Respondent had and has a duty under 18.80.230(a)(1) and Title III of the Americans with Disabilities Act of 1990 not to deprive any student or visitor to his business any of its services, goods, facilities, advantages, or privileges on the basis of physical disability.

Amended Complaint



