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MAY 01 2017

ATG CRU Civil Rights

**BEFORE THE ADMINISTRATIVE LAW JUDGE
FOR A HUMAN RIGHTS COMMISSION HEARING**

WASHINGTON STATE HUMAN RIGHTS
COMMISSION, presenting the case in
support of the complaint filed by Janelle
Harrison,

OAH Docket No. *OZ-2017-HRC-
00003*

Complainant,

CONSENT DECREE

v.

(CLERK'S ACTION REQUIRED)

SPIKE'S FOOD-MART, INC.,

Respondent.

I JUDGMENT SUMMARY

- 1.1 Judgment Creditor: Washington State Human Rights Commission
- 1.2 Judgment Debtor: SPIKE'S FOOD-MART, INC.
- 1.3 Principal Judgment Amount: \$3,000
- 1.4 Total Judgment: \$3,000
- 1.5 Post Judgment Interest Rate: 12% per annum
- 1.6 Attorney for Judgment Creditor: Chajja Stallings-Ala'ilima
Assistant Attorney General

II. GENERAL

2.1 Complainant Washington State Human Rights Commission (the
"Commission"), having conducted an investigation and commenced this action pursuant to

1 RCW 49.60, the Washington Law Against Discrimination, presenting the case in support of the
2 Complaint filed by Janelle Harrison; and

3 2.2 Respondent Spike's Food-Mart, Inc. ("Spike's Food-Mart" or "Respondent"),
4 having been served with the Notice of Hearing and Amended Complaint; and the Commission,
5 appearing by and through its attorneys, Robert W. Ferguson, Attorney General, and Chalia
6 Stallings-Ala'ilima, Assistant Attorney General; and Respondent, appearing Pro Se; and

7 2.3 The Commission and Respondent having agreed on a basis for the settlement of
8 the matters alleged in the Amended Complaint and to the entry of this Consent Decree against
9 Respondent without the need for hearing or adjudication of any issue of law or fact; and

10 2.4 The Commission and Respondent agree this Consent Decree does not constitute
11 evidence or an admission regarding the existence or non-existence of any issue, fact, or
12 violation of any law alleged by the Commission with the exception that Respondent admits to
13 the jurisdiction of this Court; and

14 2.5 Respondent recognizes and states that this Consent Decree is entered into
15 voluntarily and that no promises, representations, or threats have been made by the Attorney
16 General's Office or any member, officer, agent, or representative thereof to induce it to enter
17 into this Consent Decree, except for the promises and representations provided herein; and

18 2.6 Respondent waives any right it may have to appeal from this Consent Decree or
19 to otherwise contest the validity of this Consent Decree; and

20 2.7 Respondent agrees that it will not oppose the entry of this Consent Decree on
21 the ground it fails to comply with Civil Rule 65(d), and hereby waives any objections based
22 thereon; and

23 2.8 Respondent further agrees its payments made or due pursuant to this Consent
24 Decree are not amenable to discharge in bankruptcy, and it shall not seek or support their
25 discharge in bankruptcy nor oppose their being determined not amenable to discharge in
26 bankruptcy; and

1 participation with Respondent are hereby permanently enjoined and restrained from directly or
2 indirectly violating or failing to comply with the provisions of the Washington Law Against
3 Discrimination, RCW 49.60, as currently written or as they are amended in the future.
4 Respondent shall modify its policies and procedures to comply with this injunction within
5 ninety (90) days of the entry of this Consent Decree.

6 Furthermore:

7 3.4 Within ninety (90) days of the entry of this Consent Decree, and every year
8 thereafter, each of Spike's Food-Mart's managers and supervisors shall undergo equal
9 employment opportunity training with an emphasis on preventing discrimination on the basis of
10 disability. The trainer shall be approved in advance by the Office of the Attorney General. Spike's
11 Food-Mart shall obtain certificates confirming the attendance of each individual who receives
12 training, including the date, name of the course, length of the course, name of the instructor, and
13 name of the individual who completed the course. Copies of these certificates shall be submitted
14 to the Office of the Attorney General Civil Rights Unit, 800 Fifth Avenue, Suite 2000, Seattle,
15 Washington 98104. Spike's Food-Mart shall bear any expenses associated with this training.

16 **IV. MONETARY PAYMENTS**

17 4.1 Pursuant to RCW 49.60.250 and WAC 162-08-298, Respondent shall pay the
18 sum of \$3,000 in full settlement of any and all claims by Janelle Harrison arising out of the
19 events complained of in the Amended Complaint. See Appendix A.

20 4.2 Respondent agrees to pay the principal judgment amount of \$3,000 as follows:
21 \$500 by February 1, 2017, and ten (10) additional monthly payments of \$250, payable in
22 monthly installments with the first installment due on March 1, 2017. Payments shall be made
23 by certified check or cashier's check made payable to Janelle Harrison, and shall be delivered
24 to Chalia Stallings-Ala'ilima, Assistant Attorney General, Office of the Attorney General,
25 Civil Rights Unit, 800 Fifth Avenue, Suite 2000, Seattle, Washington 98104.

1 4.3 In any successful action to enforce this Consent Decree against Respondent,
2 Respondent shall bear the Commission's reasonable costs, including reasonable attorneys'
3 fees.

4 4.4 Respondent's failure to make the payments required by this Consent Decree
5 shall be a material breach of the Consent Decree.

6 **V. ENFORCEMENT**

7 5.1 If, after notice to Respondent and an opportunity to be heard at an evidentiary
8 hearing, the Court finds by a preponderance of evidence that Respondent has violated a
9 material condition of the Consent Decree, the Commission may seek imposition of additional
10 conditions, damages, injunctive relief, and such other remedies as the Court may deem
11 appropriate against Respondent.

12 5.2 Nothing in this Consent Decree shall be construed to limit or bar any other
13 governmental entity or person from pursuing other available remedies against Respondent or
14 any other person.

15 5.3 Under no circumstances shall this Consent Decree, or the name of the
16 Commission, the Office of the Attorney General, the Civil Rights Unit, or any of their
17 employees or representatives be used by Respondent or any of its successors, assigns,
18 transferees, officers, members, agents, servants, employees, representatives, and all other
19 persons or entities in active concert or participation with Respondent, in connection with any
20 selling, advertising, or promotion of products, services, or employment, or as an endorsement
21 or approval of Respondent's acts, practices, or conduct of business.

22 5.4 The Commission shall be permitted, upon ten (10) days advance notice to
23 Respondent, to access, inspect, and/or copy all business records or documents in the
24 possession, custody, or control of Respondent to monitor compliance with this Consent
25 Decree, provided that the inspection and copying shall avoid unreasonable disruption of
26 Respondent's business activities.

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VI DISMISSAL

6.1 Upon entry of this consent decree, this matter is resolved. No Prehearing Conference shall be held and no Prehearing Conference Order shall issue.

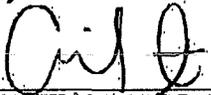
DATED this 27th day of April, 2017.



ADMINISTRATIVE LAW JUDGE

Presented by:

ROBERT W. FERGUSON
Attorney General



CHALIA STALLINGS-ALA'LIMA,
WSBA #40694
Assistant Attorney General
Attorney for Complainant
Washington State Human Rights Commission

Approved for entry, notice of presentation waived:



SCOTT FITCH
Respondent
SPIKE'S FOOD-MART, INC.

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APPENDIX A

In consideration of the agreement between the Washington State Human Rights Commission and Spike's Food-Mart, Inc. and in consideration for the payment of \$3,000 for loss of rights, I, Janelle Harrison, do hereby release and discharge Spike's Food-Mart, Inc., along with its insurers, attorneys, officers, employees, agents, and successors, for any and all claims related to the termination of my employment on August 26, 2013. This release includes any claims I have or may have had related to actions or statements made by officers, employees, or agents of Spike's Food-Mart, Inc. with respect to accommodation of my disability.

Executed this 7 day of February 2017.

Janelle A Harrison
Signature

Janelle A Harrison
Print Name

1010 W Appleway Ave
Home Address Coeur d'Alene, ID 83814

CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 02-2017-HRC-00003

I certify that true copies of this document were served from Tacoma, Washington via Consolidated Mail Services upon the following as indicated:

<p>Spikes Food-Mart, Inc. 1611 Smitty's Blvd Ritzville, WA 99169 Appellant</p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Chalia Stallings-Ala'ilima Office of the Attorney General 800 Fifth AVenue Suite 2000 Seattle, WA 98104 Agency Representative</p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input checked="" type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Janelle Harrison 610 W Appleway Ave Coeur D Alene, ID 83814 Department Representative</p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>

Date: Friday, April 28, 2017

OFFICE OF ADMINISTRATIVE HEARINGS



Melanie Barnhill
Legal Assistant