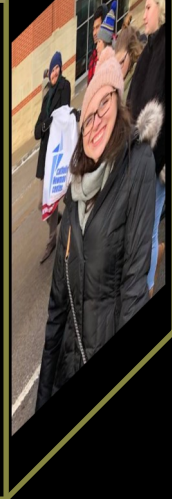


# Lexington-Fayette Urban County Human Rights Commission

## Annual Report

### FY2018



*Building Upon the Foundation  
Looking to the Future*



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**KNOW**



**YOUR**



**RIGHTS**





## LEXINGTON-FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION



### A Message from the Chair:

Over the past year, we saw the Commission continuing to work towards achieving the basic mandates of its charter and mission. The recognition of these efforts was conveyed by way of documented and verbal accolades and other forms of communication from both the local community and our national partners. However, my personal highlights from this past year was the celebration of the fiftieth anniversary of the Fair Housing Act and the Commission's community outreach effort through advertising.

The anniversary celebration event displayed the organizational and administrative capabilities of the Commission's staff, presenting an outstanding program worthy of the occasion. The advertising activities highlighted the Commission's dedication to working toward education and awareness of the public at large on their rights, as well as ensuring that these rights are upheld in our community.

The Commission's past record of excellent service is unquestioned; however, this is not to time to dwell on our past. Rather, it is time to rededicate ourselves to continue to build on it. There is still much work to be done and many needs to serve. However, I am confident that the Commissioners and staff of this Commission are up to the task of placing the Lexington-Fayette County community in the forefront of the drive to ensure that all accorded equal access to housing, employment and public accommodations.

So, to the Commissioners and staff members I say, let us continue to work together with our partners in law enforcement, the Mayor and Urban County Council to advance the cause of social justice within our daily services to all protected classes.

Sincerely,

Vibert Forsythe  
Chair, Lexington-Fayette Urban County Human Rights Commission

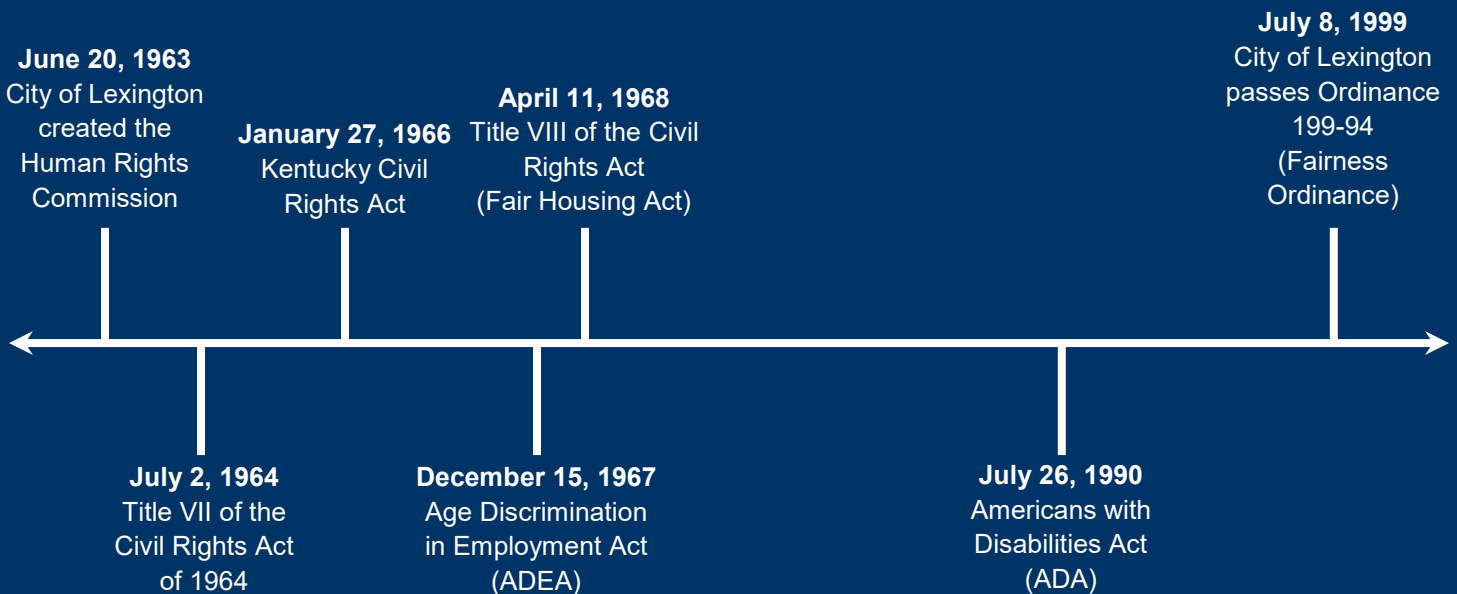
# Mission Statement

It is the mission of the Lexington-Fayette Urban County Human Rights Commission to safeguard the legal rights of individuals regarding discrimination and to promote mutual understanding and respect among the people of Lexington-Fayette County, Kentucky.

## Statutory functions of the Commission

1. To promote and secure mutual understanding and respect among all ethnic groups in Fayette County and act as conciliator in controversies involving inter-group and inter-racial relations;
2. Cooperate with Federal, State, and other local agencies in the efforts to develop harmonious inter-group and inter-racial relations and shall endeavor to enlist support of civic, religious, laborer, and commercial groups and leaders dedicated the improvement of human relations and the elimination of discriminatory practices; and
3. Receive complaints, conduct investigations, hold hearings and make studies as will able the Commission to carry out the purposes of the Kentucky Civil Rights Act.

## City of Lexington ...



*...leading the way*

# Letter from Executive Director



## LEXINGTON-FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION



The Honorable Mayor Jim Gray  
Urban County Council Members  
200 East Main Street  
Lexington, KY 40507

Re: FY 2018 Annual Report

Dear Mayor Gray and Council Members:

On behalf of the Commissioners and staff, I am pleased to submit to you and the Urban County Council the FY 2018 annual report of the Lexington-Fayette Urban County Human Rights Commission. This report highlights our many activities of the last year.

This fiscal year has been a very productive year for the Commission. We are on a continuous upswing in both the amount of cases we've investigated, as well as the amount of our community relations engagement.

During this fiscal year, we have embarked on an aggressive media campaign, one of which that has never been seen before at the Commission. As of this writing, the Commission currently is running fair housing advertisements on busses, billboards, radio and television. The mantra of "fair housing is your right, use it!" is saturating the Lexington and surrounding markets and is having tangible outcomes.

ADA enforcement is now in full-swing and the results of our first investigations under this law are highlighted in this report.

I am proud of the continued direction of the Commission. Our commissioners and staff remain vigilant in improving the services we provide to the community. We are very grateful to you and the Urban County Council for your continued support.

Sincerely,

Raymond A. Sexton  
Executive Director



# Commissioners

The Commissioners of the Lexington-Fayette Urban County Human Rights Commission are appointed by the Mayor and Urban County Council. There are 14 members who, as nearly as possible, make up the social, economic, cultural, ethnic, and racial groups that compose the population of Fayette County. The Commissioners serve four (4) year terms and serve without compensation. The Commission has several committees to carry its purposes. The current committees are: Executive Committee, Budget Committee, Community Relations/Housing Committee, and Personnel/Policy Committee. The Executive Committee, consisting of the Chair, Vice Chair, Treasurer and Secretary, are elected every year. The Chair appoints the remaining members to the rest of the committees.

## Executive Committee



Vibert Forsythe  
Chair



Brenda Mannino  
Vice Chair



Josh Mers  
Treasurer



Theresa Parks  
Secretary



Jim Dickinson



Barbara Ellerbrook



Dr. Jamil Farooqui



Courtney Han



Jason Hope



Lance Poston



Marlena Sanchez



Christine Louise  
Stanley



Melanie  
Tyner-Wilson



Cristina Violet



At the end of the fiscal year, the staff of the Commission consisted of four (4) full-time employees, the Executive Director, Senior Office Manager, and two (2) investigators. The Commission also has a Commission Attorney, who is technically a contract employee, but we often considers him one of our own because of his great relationship with us. While we are a small staff, we are able to get a lot done every year and this year was no exception. Veteran leadership keeps us moving forward and accomplishing as much as possible.



Tami J. Reed  
Senior Office Manager



Edward E. Dove  
Commission Attorney



Raymond A. Sexton  
Executive Director



Mieko Smith  
Investigator I



Marissa Webb  
Investigator I



## Interns

With such a small staff, the Commission is fortunate to receive assistance in the form of interns. Most of our interns come to us through their schools, typically their college or university. The interns would usually focus on either the compliance or community relations work of the Commission. We would like to acknowledge the interns that we had with us during the fiscal year.

Diala Qasem—Summer/Fall 2017—Compliance  
Grace Bond—Fall 2017/Spring 2018—Compliance  
Brooklynn Alcorn—Fall 2017/Fall 2018—Compliance/Legal  
Casey Lyons—Spring 2018—Community Relations  
Logan Fendley—Summer 2018—Community Relations

Thank you for all your help!

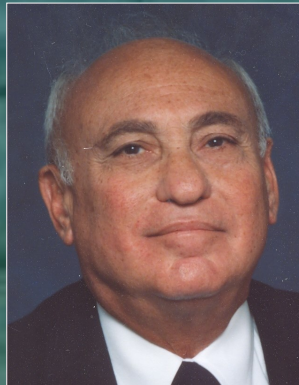
# Goodbye and Good Luck!



Mike Ades  
Resigned Dec. 2017



Rowena Mahloch  
Resigned Aug. 2017



Bob Orbach  
Resigned July 2017



Deneia Thomas  
Resigned Feb. 2018



Brenton Covington joined the Commission in September of 2016 as the Community Relations Coordinator. He resigned from his position in December of 2017 to pursue other interests. We wish him well and good luck!



## PURPOSE

It is the purpose of the Lexington-Fayette Urban County Human Rights Commission to safeguard all individuals within Lexington-Fayette Urban County from discrimination because of race, color, religion, national origin, sex, age, disability, familial status and sexual orientation/gender identity in connection with housing, employment and public accommodations and to effect the provisions and purposes of the Kentucky Civil Rights Act (K.R.S. Chapter 344), Urban County Ordinance 199-94 and 201-99, provision 7.17 of the Lexington Fayette Merger Charter of 1974, and any other laws enacted by the Lexington-Fayette Urban County relating to the Lexington-Fayette Urban County Human Rights Commission.

The Lexington-Fayette Urban County Human Rights Commission shall act to encourage and effect the guarantee of equal rights to all citizens, which rights are assured by the Constitution and the Laws of the United States, of Kentucky, and of Lexington-Fayette Urban County and to serve as an investigative, consultative, educational, persuasive, and enforcement agency in order to guarantee equal opportunity for all people of the City of Lexington and Fayette County.

## UNIQUENESS

The Lexington-Fayette Urban County Human Rights Commission is an independent chartered agency of the Lexington-Fayette Urban County Government, with three (3) specific functions: (1) to receive complaints, conduct investigations, hold hearings and have such studies made as will enable the Lexington-Fayette Urban County Human Rights Commission to carry out the purpose of the Ordinance; (2) to promote and secure a mutual understanding and respect among all ethnic groups in Fayette County; and (3) to act as conciliator in controversies involving inter-group and inter-racial relations.

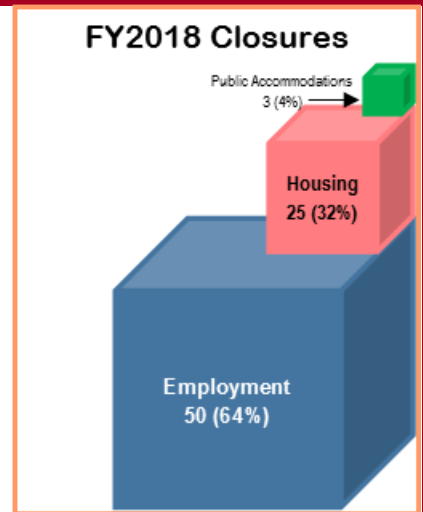
## VALUES

The Lexington-Fayette Urban County Human Rights Commission stands for equal rights, equal opportunity, justice and fair enforcement of the ideals. To carry out this belief, we must strive to follow through on our commitments, maintain objectivity and fairness and provide prompt, responsive and patient attention to all those who seek our assistance. We must respect differences in values and behaviors, support one another, and seek alternatives to divisive conflict. We must commit to meet and exceed contractual, service, and mission related requirements by setting clear expectations and maintaining measurable standards. In addition, we must serve all people in an impartial and fair manner. Equality for all - it's a right, not a privilege.

# Compliance

The Commission is most known for its compliance component. We have two (2) investigators, Mieko Smith and Marissa Webb, who conduct the investigations of the complaints jurisdictionally filed with the Commission. Both investigators attend several trainings throughout the year to stay up to date on federal procedures and case law updates.

Our investigators typically see a case from its conception through the investigation and is then submitted to the Executive Director with a recommendation of final staff determination. This process ensures that the person investigating the complaint is familiar with all aspects of the case. While still able to give each complaint the attention it needs, the duo were able to complete 78 investigations during the fiscal year.

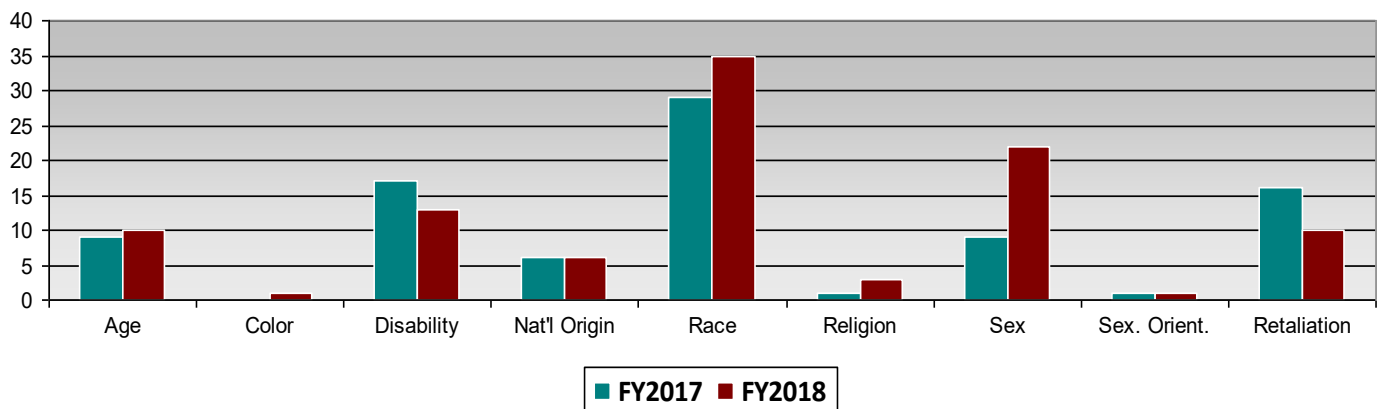


## Employment

The majority of the cases the Commission investigates are employment related. Issues can include, but are not limited to, failure to hire, failure to promote, disciplinary action, and/or termination. The protected classes are race, color, sex, age, national origin, religion, disability, sexual orientation and/or gender identity. When jurisdictional requirements are met, the cases are dual-filed with the Equal Employment Opportunity Commission (EEOC), which the Commission has a Workshare Agreement with to conduct employment investigations in Lexington—Fayette County, Kentucky. As long as a complaint is jurisdictional with Local Ordinances 199-94 and/or 201-99, the Commission will investigate a complaint even if it is not jurisdictional with the EEOC.

During the fiscal year, the Commission received 65 new employment complaints and closed 50. Cases are considered received after it goes through the intake process and the case is formally filed, The intake process includes the completion of an intake questionnaire and meeting with an investigator to determine if all jurisdictional requirements are met. If jurisdictional requirements are met, the charging party then files a formal complaint which is notarized. The investigator will then conduct an investigation, which begins with sending the complaint to the respondent via certified mail and requesting relevant documentation. The full investigative process can be seen on the Investigative Flow Chart on page 11.

## Employment Intakes by Basis FY2017 vs. FY2018



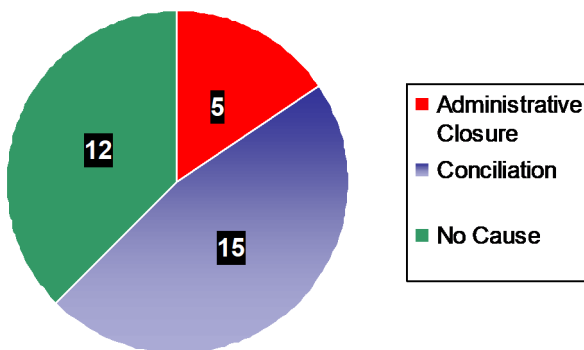


## Housing

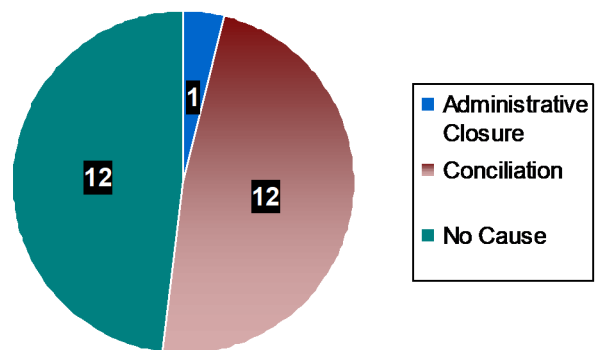
The Commission also investigates alleged discrimination complaints in housing. An example of issues includes failure to rent, evictions, redlining, and/or failure to accommodate. The protected classes are race, color, sex, national origin, religion, disability, familial status (presence of children under age of 18 and/or pregnancy), sexual orientation and/or gender identity. When jurisdictional requirements are met, the cases are dual-filed with the U. S. Department of Housing and Urban Development (HUD), which the Commission has a Cooperative Agreement with to conduct housing investigations in Lexington—Fayette County, Kentucky. As with employment complaints, as long as a complaint is jurisdictional with Local Ordinances 199-94 and/or 201-99 the Commission will investigate a complaint even if it is not jurisdictional with HUD.

During the year, the Commission received 25 cases and closed 25 cases. The intake process for housing complaints is completed the same way as employment complaints. We also receive cases from HUD and from the local Fair Housing Initiative Program (FHIP) agency, the Lexington Fair Housing Council. While race is the dominant basis of employment complaints filed, as with FY2017, disability was the leading basis of housing complaints filed—FY2017: 19 and FY2018: 13.

**FY2017 Closures**



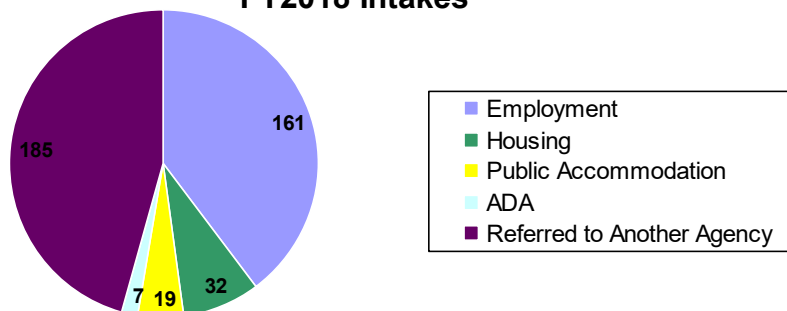
**FY2018 Closures**



## Public Accommodations

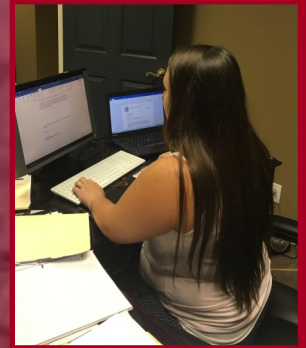
The most underused complaint type is public accommodations. A place of public accommodation includes any place, store or other establishment which supplies goods or services to the general public. It is unlawful practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation on the basis of race, color, religion, national origin, disability, sexual orientation and/or gender identity. During FY2018, the Commission received five (5) and closed three (3) complaints of public accommodations.

**FY2018 Intakes**



## Case Reviews

In August of 2017, a man, the Charging Party (CP) came into the Human Rights Commission and said that his employer, a local restaurant, had discriminated against him because of his faith. The CP claimed that when he was first hired in July of 2016, he requested every Saturday off due to his religious beliefs. CP claimed that the restaurant and hiring managers, the Responding Party (RP), told CP that this would not be a problem. However, not long after working there, CP began to see his name on the schedule on Saturdays. Eventually, his name appeared only on Saturdays. When CP addressed this with the RP, RP responded by saying CP had to do as he was told. After filing a complaint with RP, CP was then told he had to be a dishwasher. However, this meant that he may have to touch certain foods that were also against his religion. When CP confronted RP about this incident, RP responded similarly as before and eventually took CP off the schedule entirely, resulting in his termination. CP then filed with the Human Rights Commission. During the investigation conciliation was attempted by the investigator. After negotiation, RP agreed to settle with CP by offering CP back pay for the time he lost work. RP also agreed to hold a diversity training at the restaurant for all staff and to meet with CP to discuss his employment experiences and use those to enhance the diversity training. The case was closed as a Satisfactory Resolution.



***Conciliation is attempted at all stages of the investigative process!***

In July of 2017, a man, the Charging Party (CP) filed a complaint with the Human Rights Commission, saying that he had been discriminated against by the management of his former apartment complex, the responding party (RP), on the basis of his national origin. The CP claimed the RP had charged him over \$2,000 upon



move out for damages. However, CP claims that even though requested, RP refused to do a walk through of the apartment when CP was finished moving. CP claimed that RP was charging him to complete routine “wear and tear” repairs to prepare the apartment for a new tenant. CP also claimed that RP worked with a collection agency to intimidate immigrant families with limited English proficiency into paying money they may not owe. CP said that because he was turned over to a collection agency without a chance to argue the charges or pay on his own, it severely damaged his credit and placed a financial hardship on his family. During the investigation conciliation was attempted by the investigator. RP agreed to clear CP of all debt and to send letters to all creditors stating that CP is in good standing with RP. RP also agreed to host a fair

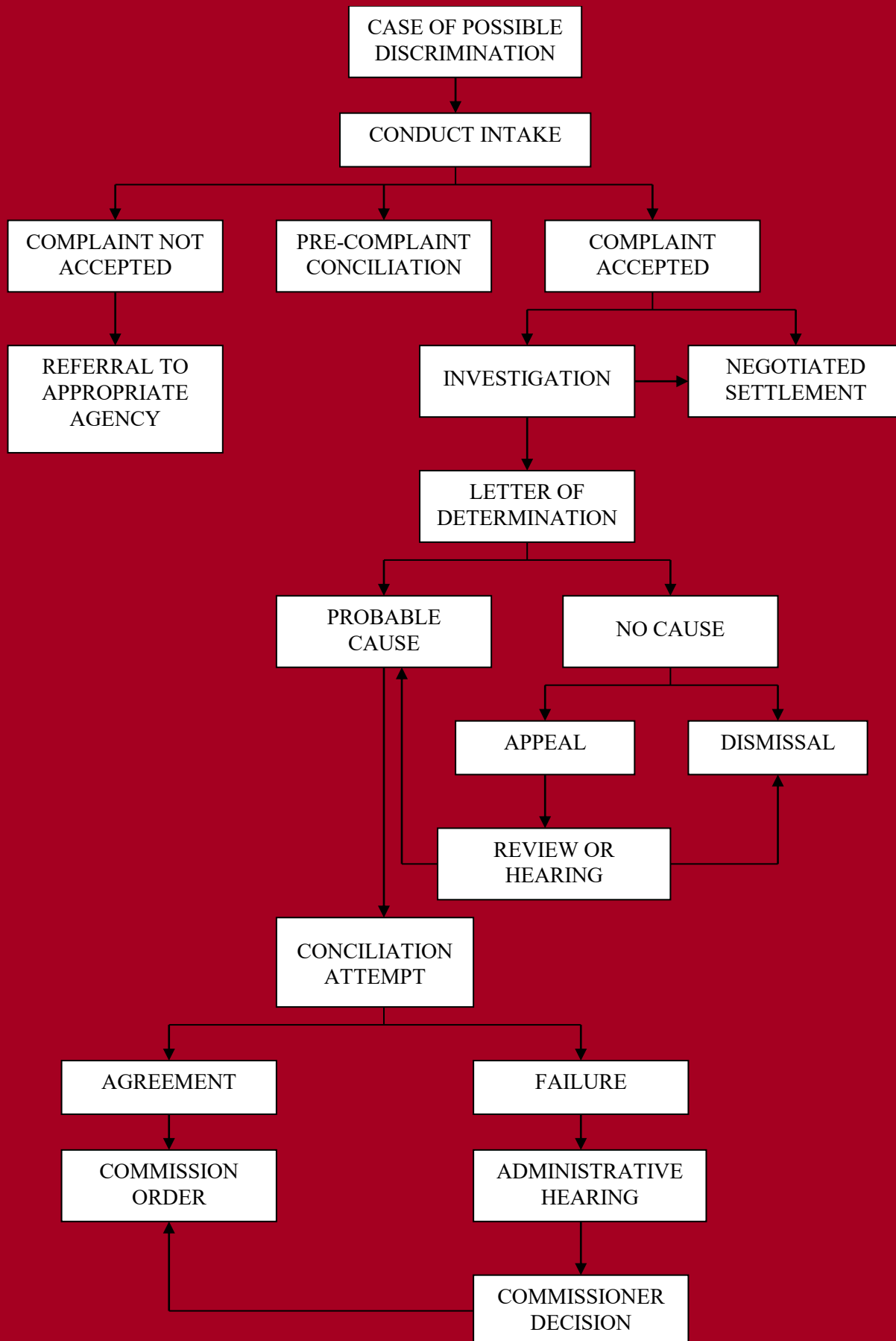
housing training for all employees within six (6) months of the agreement being signed. This case was closed as a Satisfactory Resolution.

***When is a case closed as a Conciliation?***

***Both parties and the Commission have reached a mutually satisfactory agreement. (Settlements do not necessarily mean an admission of guilt on the part of the Respondent.)***



# Process of Complaint Investigation



# Americans with Disabilities Act

This year, the Commission has taken on a larger role in ensuring compliance with the Americans with Disabilities Act (ADA) in Lexington-Fayette Urban County. There are many components to ADA compliance including: accessible paths and entrances, parking accommodations, elevator dimensions and controls, signage, public restroom dimensions, service animals and more. ADA guarantees that people with disabilities have the same opportunity to participate in every day life in the US as people without disabilities. The ADA includes guidelines and standards for governments and businesses to ensure their facilities are ADA accessible. Part of the ADA is a “guaranteed access” clause explaining what exactly access means:



- ⇒ **Access means eligibility.** A person with a disability cannot be deemed ineligible for a service or accommodation because of a disability.
- ⇒ **Access means providing meaningful participation.** A person with a communication impairment (such as limited hearing, seeing, or speaking abilities) must be furnished with an auxiliary aid if needed to provide meaningful participation by and interaction with an individual.
- ⇒ **Access means physical access.** Physical access to an accommodation or a service will often require removal of structural barriers. Structural barriers are obstacles that impede access for individuals with disabilities to services and accommodations and can include, for example, manually operated doors that are difficult to open, narrow doorways, stairs without ramps, sidewalks without curb cuts, and other obstacles to physical access.

The Commission began receiving ADA complaints in March of 2018. Since that time, the Commission has received five (5) complaints. At the end of FY2018, four (4) of those complaints had been resolved. The process for filing an ADA complaint is not as formalized as our normal intake process. Complaints can be filed anonymously.

## What does ADA compliance include?

- ◆ **Accessible path and entrances:** ramps, handrails, doorways, handles
- ◆ **Parking:** designated spaces, van accessibility, signage
- ◆ **Elevator dimensions and controls:** control height, signage, audible signals, spacing, door operation
- ◆ **Signage:** raised lettering, height, braille
- ◆ **Seating requirements**
- ◆ **Aisle sizes**
- ◆ **Sale/services counter sizes**
- ◆ **Food service line sizes**
- ◆ **Public restroom dimensions**
- ◆ **Service animals rules and regulations**





# Community Relations

The Commission staff continues to provide presentations, media interviews and training sessions on a variety of topics. These services are tailored to meet the needs and requests of a variety of audiences throughout the community. During this fiscal year, the staff conducted many presentations, trainings, site visits and media contacts. This year, the strongest demand was for information concerning sexual harassment and housing related issues. Other areas included harassment-free work environments, diversity, demographic change, law enforcement and community relations.

Occasionally individuals contact the Commission needing services beyond the scope of our authority. Many of the contacts involve housing issues, including landlord-tenant disputes. We strive to provide our callers and patrons the right resources they need to help them on non-jurisdictional employment, housing, health and human services, disabilities, education, domestic violence, and public safety issues.

**25 Community Meetings Attended**

**33 Events Attended**

**4 Trainings Attended**

**10 Trainings Conducted**

**5 Events Sponsored**

**5 Site Visits**

## Coffee with the Chief



Coffee with the Chief began in 2015 and has been a wonderful ongoing event that has brought about many discussions in an intimate setting for community members to come and discuss issues and raise awareness to the Lexington Police Chief. New Police Chief Lawrence Weathers was happy to continue the series and we are very thankful he is. The first Coffee with the Chief with Chief Weathers was held on June 7, 2018 at the Wild Fig. Follow us on Facebook to see when the next Coffee with the Chief will be scheduled. We are always looking for new places to host the event.







Bessie Jackson at the Workplace Bullying Work October 19, 2017



Martin Luther King Jr. March January 15, 2018



Ray Sexton Guest Reading at Radio Eye November 30, 2017



Lexington Pride Festival June 30, 2018



Police Awards Dinner June 19, 2018



Sexton at the Georgetown Pride Picnic— October 28, 2017



Fair Housing Celebratic April 17, 2018



Martin Luther King Jr. Unity Breakfast January 15, 2018



Roots & Heritage Festival September 9, 2017



iKnow Expo April 7, 2018



UK LGBTQ Feast on Equality Gala—December 1, 2017



Recording radio commercial April 2, 2018



# Fair Housing Celebration—50th Anniversary of the Fair Housing Act



The Lexington-Fayette Urban County Human Rights Commission and the Lexington Fair Housing Council hosted a Fair Housing Celebration Dinner on Tuesday, April 17, 2018 to celebrate the 50th Anniversary of the Fair Housing Act. The Celebration was held at The Carrick House in Lexington, KY. Approximately 200 people attended to hear guest speaker Anna Maria Farías, Assistant Secretary, Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development. The program included welcoming remarks from Raymond Sexton, Executive Director, Lexington-Fayette Urban County Human Rights Commission, Lexington Mayor Jim Gray and Michael Browder, Field Office Director, KY HUD office. A Resolution was presented to the family of Don Ball, who recently passed away, who was very involved in affordable housing and homelessness issues. Also included in the program were Ginny Thomas and Russell Allen who spearheaded the movement to remove Confederate statues from Cheapside, an area of Lexington that was the site of slave market; and the North Limestone Community Development Corporation, a non-profit organization working in the North End of Lexington to connect neighbors with resources and opportunities, and to create programs for equitable community development. The guest speaker Assistant Secretary Anna Maria Farías gave an informative and interesting account of her life in the housing industry and the importance of all levels of government, local, state and federal, working together to make a difference. The program concluded with closing remarks by Art Crosby, Executive Director, Lexington Fair Housing Council. Sherelle Roberts emceed the program.





# 20 Years!

Raymond Sexton joined the Commission on December 22, 1997 as an Investigator. He celebrated his 20th anniversary with the Commission this year. The Commission is thankful for all his years of service and hope he has many more with us.





# Building Upon the Foundation...



*"This is one country. It has become one country because all of us and all the people who came here had an equal chance to develop their talents. We cannot say to 10% of the population that you can't have that right; that your children cannot have the chance to develop whatever talents they have; that the only way that they are going to get their rights is to go in the street and demonstrate. I think we owe them and we owe ourselves a better country than that."* - President John F. Kennedy civil rights address to the nation June 11, 1963

*"With this bill, the voice of justice speaks again. It proclaims that fair housing for all — all human beings who live in this country — is now a part of the American way of life."* - President Lyndon B. Johnson while signing the Fair Housing Act April 11, 1968

## ...Looking to the Future



**LEXINGTON-FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION**  
**342 WALLER AVENUE, SUITE 1A**  
**LEXINGTON, KENTUCKY 40504**  
**PH: (859) 252-4931**  
**FAX: (859) 252-7057**  
**EMAIL: LFUCHRC@QX.NET**  
**WEBSITE: WWW.LFUCHRC.ORG**