RIGHTS STUFF

A Publication of The City Of Bloomington Human Rights Commission

CITY OF BLOOMINGTON

Las Vegas Landlord Sued for Requiring Tenant to Sign Sex Contract

A lawsuit is pending in Las Vegas that alleges a landlord, Allan Rothstein, required a tenant to sign a sex contract in order to get an apartment. According to the lawsuit, the woman and her five children were homeless, living in a residential hotel, when she signed the agreement. She had been approved by Section 8 for an apartment, but had to find one within 60 days or lose her voucher.

The document, which Rothstein said he wrote, is entitled "Direct Consent for Sexual Intercourse and/or [oral sex]." The tenant had to swear that she was not signing "under the influence of an incapacitating intoxicant, aphrodisiacs, or psychoactive substances, including but not limited to, alcohol, drugs, oysters, Bremelanotide, truffles, sea cucumber, strawberries, lobster, dark chocolate, cocaine, LSD, cannabis, or any other mind-altering chemical or substance."

She also had to affirm that she did not "currently have a boyfriend/girlfriend/parent who is larger, meaner, and more physically aggressive, owns firearms and/or is more possessive than [the landlord]."

The fact that she signed the agreement does not necessarily make it legally binding, if the agreement is illegal or against public policy. According to the lawsuit, she was evicted when she refused the landlord's sexual advances.

At a trial in August, the landlord said the tenant told him she would "do anything" for the apartment, and he took that as an offer for sex. He said he asked her to sign the agreement to protect himself, and that he had not done this with any tenant before her.

The case is pending in court. If you have questions about fair housing, please contact the BHRC.

(Article based in part on "Las Vegas landlord requires tenant on Section 8 to sign sex contract in order to lease home," published online on August 22, 2022, at www.ktnv.com.)

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Hotel Found Liable for Promising More Accessibility Features Than It Could Deliver

In May, 2022, the U.S. Department of Justice (DOJ) announced that it had entered into a settlement agreement with Badrivishal, LLC, which owns a Holiday Inn in Columbus, Ohio.

According to the DOJ, a woman called the hotel and made reservations for the Thanksgiving holiday. The staff told her that the hotel had two accessible rooms, both with roll-in showers. She reserved both accessible rooms, one for her and her husband, who has multiple sclerosis and used a wheelchair, and one for her parents.

When they arrived at the hotel, they learned that neither room had a roll-in shower. The complainants' parents decided to stay at the Holiday Inn, despite the inadequate accommodations. The complainant and her husband had to find another hotel that in fact had an accessible shower that would accommodate his wheelchair. The hotel they found was some distance away from her parents and from the family they were visiting for the holiday. So the couple filed a complaint with the DOJ, alleging that they had been discriminated against in public accommodations on the basis of his disability.

The hotel denied that it had violated the ADA. Nevertheless, it agreed to settle the matter. It said that the hotel opened in August, 2011, which means that it should have been built to comply with the ADA.

Under the terms of the settlement, the hotel agreed to add one mobility accessible 2-King suite with an accessible bathtub, to hire an architect who will certify that the hotel's alterations and modifications comply with the ADA, to provide photographs showing the remediation, to train its staff on the ADA, to submit follow-up reports to the DOJ and to pay the complainant and her husband $10,000 each.

If you have questions about the ADA, please contact the BHRC.

The next BHRC meeting will take place at 5:30 p.m. October 24, 2022, in McCloskey Room 135, in Showers City Hall.

Visit our website or Facebook page for the most up-to-date meeting information.

Tow Truck Driver Loses Race Discrimination Lawsuit

In 2016, the police department in Janesville, Wisconsin, created a "no-preference tow list." This was a list of eligible tow truck companies that the department would call when a vehicle needed to be towed and when the owner did not have a preferred tow company.

To get on the list, tow truck companies had to submit an application by June 23, 2016. The requirements included maintaining a business address in Janesville and being willing to allow the police department to inspect their facilities.

By June 15, four companies submitted applications, and the department found that all of them met the requirements. The department announced that it now had a "final list" of tow companies it would call when the vehicle owner didn't have a preference. All four owners on the list were white.

Anthony Smith, a Black man who owns a tow company called Flying A.J's, submitted his application six days later, before the June 23 deadline. Jimmy Holford, the deputy chief, sent Smith an email thanking him for the application and telling him that it would be kept on file in case the department needed to replace or add to its current list. Smith complained to the town manager, alleging that the police department was keeping him off the list because he had successfully sued another town for race discrimination and because he spoke out against racism. The chief, David Moore, then said that if Flying A.J's met all of the requirements, it would be added to the list. Moore met with Smith and after the meeting, Flying A.J.'s was added to the list. Smith claimed that at the meeting, Moore told him that if he brought up racism, "the interview would be terminated and Flying A.J.'s application for the new list would not be considered."

A few weeks later, the police department called Flying A.J.'s after a car crash. Officer Joe Melton, the officer at the scene, said that the driver showed a "lack of professionalism or courtesy" when he left without offering the customer a ride home. He asked Smith for a response and didn't receive one for a week. When he followed up with Smith again, Smith responded with what the court called a "rambling message." Smith claimed there were no officers or owners at the scene of the crash, which was contradicted by police video. He said the complaint that the driver was not professional "was very disturbing to me and very dangerous for an African American owned company to be operating in the City of Janesville, viewing videos of officers gunning down African Americans for un-threatening actions and killing them along with false allegations." He said the allegations against his driver "are false and unbelievable. The officer should be fired and anyone else who helped write up these trumped up charges on this minority owned company. I can be killed in the streets and the allegations could be that I picked up a chain and lunged at the officer or another person with a 'J' hook. Some of these officers just look for a reason to kill an African American."

Holford tried to set up a meeting with Smith to clarify his concerns, with no response. He said in an email to Smith that he would be forced to suspend Flying A.J.'s from the list if he didn't respond.

The owner of the vehicle that was towed also complained about the company. She said that her GPS device was missing from her vehicle after the tow, and that Smith had called her directly and she felt threatened by his call. She was concerned that he knew her home and work addresses if he had her GPS device. Chief Moore terminated Flying A.J's from the tow list for a year, and Smith sued.

As evidence of discrimination, Smith noted that that the police department has published its final list before the deadline to apply had passed. But the court said there was no evidence that the list was published early due to racial animus. A number of other tow truck companies complained about this as well and they were apparently not all of one race.

He said that a customer had also complained about a white tow truck driver but the department did not remove that company from the list. The court said that in that case, the department had told the company it would be removed it had any more complaints. And in that case, the owner responded within two hours to address the concerns, unlike Smith.

The case is Smith v. City of Janesville, 40 E. 4th 816 (7th Cir. 2022). If you have questions about discrimination, please contact the BHRC.

White Firefighter Loses Race Discrimination Complaint

David Stieglitz is a Chicago firefighter and a white man. He joined the department in 2005 and beginning in 2008, drove various fire department vehicles. The firefighters receive an additional $2.18 an hour on shifts when they are assigned to drive. In May of 2016, amid a driver shortage, he volunteered for a temporary assignment as a third shift driver of Truck 19.

Beginning in 2015, the department required drivers to obtain specific training and certifications to operate different trucks. Stieglitz was not certified to drive Truck 19, but he believed he was grandfathered in.

Captain Steven Clay, a Black man, led the third shift. In October, 2016, Clay hired two other firefighters, both Black men, to share driving duties with Stieglitz. Clay said he wanted to institute a rotation for the driving to familiarize the crew with the vehicle and the neighborhood, to make for "more efficient and productive firefighters." He also said that having multiple drivers for each shift provides for flexibility in staffing.

Stieglitz believed that Clay's decision reflected favoritism towards the Black drivers and race discrimination against him. He said he knew that discrimination was an issue because the new drivers did not have the proper certifications. By the time he said that, the drivers did have the certifications. An investigation showed that Stieglitz did not have the proper certification and he was temporarily suspended from driving. But once it became clear that he was in fact grandfathered in, he resumed driving.

He filed a complaint with the Equal Employment Opportunity Commission, and sued. He also transferred to another station. He said he had experienced a hostile work environment at his previous station as the only white firefighter there. He said he felt he had been excluded from firehouse social events and meals because of his race and that his interactions with his coworkers had been hostile.

The district court found for the fire department, and recently, so did the court of appeals.

Stieglitz argued that the new driver rotation system was sufficiently idiosyncratic to be "fishy." But the court said he did not explain "how allowing individual fire captains to decide how to distribute driving duties allows an inference that the City is inclined to discriminate against whites." The City had a neutral reason for implementing the new system, and Stieglitz's opinion that the reason was a pretext for racism was speculative. Nor did he show how the Black drivers were treated more favorably than he was; he did not present any evidence that he drove less than they did.

He also argued that his suspension from driving was related to his complaint about perceived race discrimination. But there were four months between his complaint and his suspension, so he could not rely on suspicious timing to prove retaliation. Management quickly corrected the mistake once they realized he was in fact grandfathered in, and there was no evidence they knew about his complaint when they suspended him.

The case is Stieglitz v. City of Chicago, 1022 WL 2702167 (7th Cir. 2022). If you have questions about fair employment practices, please contact the BHRC.

Welcome to Tonda Radewan!

Radewan joined the Bloomington Human Rights Commission in September.