

**Public Hearing - 7/30/2019  
Nevada Equal Rights Commission**

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NEVADA EQUAL RIGHTS COMMISSION  
DEPARTMENT OF EMPLOYMENT, TRAINING & REHABILITATION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING/HEARING

Taken at the Department of  
Employment, Training & Rehabilitation  
2800 East St. Louis, Conference Rooms A-C  
Las Vegas, Nevada

On Tuesday, July 30, 2019  
At 10:00 a.m.

**CERTIFIED  
TRANSCRIPT**

Reported by: Jane V. Efaw, CCR #601, RPR

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1 Appearances:

2

CONNYE HARPER, Chair

3

TIFFANY YOUNG, Secretary (Reno)

4

NGAI PINDELL, Commissioner

5

IVETTE A. FERNANDEZ, Commissioner

6

KRISTA WAHNEFRIED, Commissioner (Reno)

7

ASHEESH S. BHALLA, Commission Counsel

8

KARA M. JENKINS, Administrator

9

SOPHIA G. LONG, Deputy Attorney General

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CORALIE PETERSON, Administrative Assistant III

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STEPHANIE A. MAZZEI, Esq., Counsel for Respondent

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1 Tuesday, July 30, 2019; Las Vegas, Nevada.

2 P R O C E E D I N G S

3 \* \* \* \* \*

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5 CHAIR HARPER: Good morning, everyone. My  
6 name is Connye Harper, and I am the Chair of the  
7 Nevada Equal Rights Commission. I hereby call this  
8 meeting to order.

9 Ms. Peterson, will you call the roll to  
10 determine whether or not there's a quorum?

11 MS. PETERSON: Yes, Madam Chair. For the  
12 record, my name is Coralie Peterson from the Nevada  
13 Equal Rights Commission.

14 Before I call roll, could I just remind  
15 everyone to mute their electronic devices so it  
16 doesn't interrupt with our meeting.

17 Connye Harper?

18 CHAIR HARPER: Present.

19 MS. PETERSON: Thank you. Tiffany Young?

20 COMMISSIONER YOUNG: Present.

21 MS. PETERSON: Thank you. Ivette Fernandez.

22 COMMISSIONER FERNANDEZ: Present.

23 MS. PETERSON: Thank you. Ngai Pindell?

24 COMMISSIONER PINDELL: Present.

25 MS. PETERSON: Thank you. And Krista

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1 Wahnefried.

2 COMMISSIONER WAHNEFRIED: Present.

3 MS. PETERSON: Thank you very much. Madam  
4 Chair, I'd like to confirm for the record that the  
5 meeting was posted in accordance with the open  
6 meeting law contained in NRS 241.020.

7 CHAIR HARPER: Thank you, Ms. Peterson.

8 The members of the public are invited to  
9 speak before the meeting begins. However, no action  
10 will be taken on a matter during public comments  
11 until the matter itself has been included on an  
12 agenda as an item for possible action. Public  
13 comment may be limited to three minutes person at my  
14 discretion.

15 Is there anyone who would like to make a  
16 public comment at this time?

17 Is there anyone up north who like to make a  
18 public comment?

19 COMMISSIONER WAHNEFRIED: No.

20 COMMISSIONER YOUNG: Not at this time.

21 CHAIR HARPER: I call on counsel. Agenda  
22 Item 4, Discussion for Possible Action.

23 MS. LONG: Good morning, Madam Chair,  
24 Members of the Commission. This is the date and time  
25 that's noticed for the public hearing regarding the

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1 Administrator's charge against Red Rock Country Club.

2           And before we begin, we'll make appearances  
3 for the record. My name is Sophia Long, Deputy  
4 Attorney General, on behalf of Ms. Kara Jenkins, the  
5 Administrator for the Nevada Equal Rights Commission.

6           MS. MAZZEI: Good morning, Commissioners.  
7 My name is Stephanie Mazzei, and I'm here  
8 representing Red Rock Country Club.

9           MS. LONG: Madam Chair and Members of the  
10 Commission, previously you were e-mailed a copy of  
11 the Complaint in this matter. And as I stated  
12 previously, this is the time and date that's noticed  
13 for the public hearing.

14           However, the parties have entered into a  
15 settlement agreement, and we are proposing it today  
16 for the Members of the Commission to approve it. I  
17 believe that a copy of the settlement agreement has  
18 already been passed out to the Members of the  
19 Commission. Is that correct?

20           CHAIR HARPER: Yes.

21           MS. LONG: So if you would like, I know that  
22 you received a copy just -- some of you just right  
23 now, just this morning. So what I'd like to do now  
24 is take a short break in order that the Commissioners  
25 may review the settlement. And then when you're

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1 ready, just let me know. And then when we come back  
2 on the record, I'll highlight some of the important  
3 factors of the settlement and as to why the parties  
4 are proposing that the Commissioners accept this  
5 agreement. And then from there, I'll turn it over to  
6 the Commissioners to take a vote on the settlement.

7 CHAIR HARPER: Thank you. We will now take  
8 a ten-minute recess.

9 (A brief recess was taken.)

10 CHAIR HARPER: Okay. We're back on the  
11 record. We've all reviewed the settlement agreement.  
12 Do any members have any questions about the terms of  
13 the settlement?

14 MS. LONG: Madam Chair, if I may real quick.  
15 Before you ask some questions, let me direct your  
16 attention to some highlights of the settlement  
17 agreement as to why both parties are in full support  
18 of the Commissioners approving the settlement  
19 agreement.

20 If I can direct your attention on page 6 on  
21 paragraphs 2 and 3. So the settlement agreement is  
22 accepted. What will result is that at Red Rock  
23 Country Club, that NERC will be able to review their  
24 EEO manual and help them to update it or make  
25 improvements or anything to it that's acceptable to

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1 NERC. And the same thing about training. That Red  
2 Rock Country Club will have to have training either  
3 done by EEOC or NERC.

4           So those are two provisions that are a  
5 result of the settlement agreement. So if we ended  
6 up going to a public hearing, that's not a remedy  
7 that's afforded as a result of a public hearing. But  
8 respondent in good faith has decided that they would  
9 like to -- they think it's even beneficial for them  
10 for NERC to be able to do this.

11           And again to direct your attention that your  
12 statutory obligation in NRS 233 is to protect the  
13 public and also to foster the rights of all persons  
14 to hold employment without discrimination. So we  
15 believe that the settlement agreement does exactly  
16 that. It satisfies the Commission's duties in order  
17 do so.

18           And further, if you look on page 4 of this  
19 agreement, on paragraph 25 it states that as a result  
20 of this, there are some rights that the respondent is  
21 waiving. And one of them is they're waiving the  
22 right to judicial review. So when the settlement  
23 agreement is executed, it's not appealable. So we  
24 won't have to take it any further to court or  
25 anything like that. But the Commission also retains

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1 jurisdiction over this agreement and respondent until  
2 all of their obligations are fulfilled.

3 And last, we'd just like to let the  
4 Commissioners know that in discussion negotiating all  
5 through this process, that respondent has  
6 communicated with us, communicated with us in good  
7 faith.

8 And the charging party, Ms. Hill, is present  
9 in the courtroom today with her attorney. And as a  
10 result of this settlement agreement, she still has  
11 her own rights in order to pursue anything that she  
12 wants to still against Red Rock Country Club. So we  
13 believe that even if you do accept the settlement  
14 agreement, the charging party is not cut off from,  
15 you know, pursuing what she needs to.

16 So at this time if the Commissioners have  
17 any questions, we'd be happy to entertain them either  
18 of me or Ms. Mazzei. If you have any procedural  
19 questions, I do request that you direct it to your  
20 board counsel, Mr. Bhalla.

21 COMMISSIONER YOUNG: This is Commissioner  
22 Young in Reno. Can you hear me?

23 MS. LONG: Yes.

24 COMMISSIONER YOUNG: So I want to say thank  
25 you for stating each claim because it did clarify a



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1 question that I had particular to Ms. Hill's  
2 situation in the matter and understanding what the  
3 respondent's role is in the case.

4 I do have a question on page 3, Items 21 and  
5 22, where the respondent admits that the conduct set  
6 forth above may constitute a violation of Title 7 of  
7 the Civil Rights Act of 1964 as amended. But then in  
8 22 it says they believe that some allegations  
9 contained herein are inaccurate or incomplete. But  
10 I'm understanding that they still agree to what NERC  
11 has decided as a decision. Is that correct?

12 MS. LONG: Yes, that is correct,  
13 Commissioner. And it's standard language in  
14 settlement agreements.

15 So one thing that's a result of an agreement  
16 versus a public hearing and then an order is that the  
17 respondent does agree to certain things, but they  
18 don't have to admit fault.

19 COMMISSIONER YOUNG: Okay. And then on page  
20 6 where you say you listed the decision, the actual  
21 manual it says, Item 2, the respondent will draft an  
22 EEO manual approved by NERC, and the training will be  
23 facilitated by NERC. Is that my understanding as  
24 well in Item Number 3?

25 MS. LONG: Yes. So in Item Number 3 they

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1 have the option of either having training by NERC or  
2 EEOC.

3 COMMISSIONER YOUNG: Okay. And they will  
4 make that decision and determination?

5 MS. LONG: Yes. And then again, after the  
6 120 days, after they've complied with the order, then  
7 we'll bring it back in front of the Commissioners and  
8 let you know where we are.

9 COMMISSIONER YOUNG: Okay. Thank you.

10 MS. LONG: Thank you.

11 COMMISSIONER PINDELL: I have a question  
12 about the settlement agreement. It's my  
13 understanding it is public record; is that correct?

14 MS. LONG: Yes.

15 COMMISSIONER PINDELL: And the settlement  
16 agreement is pages 1 through 5.

17 MS. LONG: The settlement agreement, the  
18 entire six pages is public record. If you approve  
19 it, it will be public record and it's an order. And  
20 as a matter of fact, if you do approve it, what we'll  
21 do is we'll have your Administrator, Ms. Jenkins,  
22 read the settlement into the record.

23 COMMISSIONER PINDELL: Okay. Thank you.

24 CHAIR HARPER: Does any other Commissioner  
25 have any questions?

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1 COMMISSIONER YOUNG: Not at this time.

2 COMMISSIONER WAHNEFRIED: Not at this time.

3 CHAIR HARPER: Well, I would like a motion  
4 to approve the settlement agreement and ask that  
5 whoever makes the motion, state their name for the  
6 record.

7 COMMISSIONER PINDELL: So moved. Ngai  
8 Pindell.

9 CHAIR HARPER: Is there a second for that  
10 motion? Will the seconder please state their name  
11 for the record?

12 COMMISSIONER FERNANDEZ: I second it.  
13 Ivette Fernandez.

14 CHAIR HARPER: All those in favor say aye?  
15 Any opposed? Hearing done. The motion passes, and  
16 the settlement is approved by the Commission.

17 MS. LONG: Thank you, Madam Chair and  
18 Commissioners. As I've stated, if it pleases you,  
19 may I ask Ms. Jenkins to come up and read the  
20 settlement into the record?

21 CHAIR HARPER: Yes, please.

22 MS. LONG: Thank you.

23 MS. JENKINS: Good morning, Madam Chair,  
24 Members of the Commission. I'm Kara Jenkins. I'm  
25 the Administrator for the Nevada Equal Rights

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1 Commission. Can you all hear me okay?

2 COMMISSIONER YOUNG: Yes.

3 MS. JENKINS: Okay. Great. So I will be  
4 reading the settlement agreement into the record.

5 And I'll also read it relatively slow for  
6 you.

7 "Settlement Agreement and Order. Whereas,  
8 as more fully addressed below, the Administrator of  
9 the Nevada Equal Rights Commission, or NERC, and  
10 Respondent Red Rock Country Club, collectively  
11 referred to as 'the Parties,' hereby enter into the  
12 stipulation for settlement of disciplinary actions as  
13 follows:

14 "Jurisdiction. The Nevada Equal Rights  
15 Commission has jurisdiction over Respondent pursuant  
16 to Nevada Revised Statutes Chapter 233, NRS  
17 613.330(1) and NRS 613.405 and Title 7 of the Civil  
18 Rights Act of 1964, as amended.

19 "Factual Allegations and Violations.  
20 Respondent, at all times and relevant and hereto, is  
21 a membership country club that provides sports and  
22 social activities. Respondent employed 15 or more  
23 persons at the time of the allegations.

24 "Respondent employed tennis instructor  
25 Carmel-Mary Hill, Caucasian female, from about May

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1 24th, 2015 until September 30th, 2016 when Respondent  
2 terminated her employment.

3 "Upon hiring Ms. Hill, Respondent informed  
4 her the daycare services, Tot Shop, was for members  
5 use only.

6 "Ms. Hill's children, ages 5 and 3 at the  
7 time, are bi-racial, Caucasian and African-American.

8 "Ms. Hill and other members alleged to have  
9 observed another tennis instructor, Caucasian male,  
10 use the daycare services, Tot Shop, for his two  
11 children, both Caucasian.

12 "Respondent held the annual Red Rock  
13 Professional Open tournament beginning on September  
14 25th, 2016, wherein Respondent permitted tennis  
15 instructors to bring their children to this  
16 tournament.

17 "Ms. Hill brought her children to this  
18 tournament.

19 "At the tournament, a wealthy and longtime  
20 Caucasian member of the Red Rock Country Club was  
21 allegedly overheard stating in reference to  
22 Mrs. Hill's children, 'Whose black kids are these?'  
23 And subsequently, this wealthy and longtime member  
24 complained to Respondent's management:

25 "On or about September 29th, 2016, Director

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1 of Tennis, Michael Copenhaver, allegedly informed  
2 another tennis instructor, Caucasian male, not to  
3 bring his children to the daycare services, Tot Shop,  
4 the next day as Ms. Hill was going to be fired.

5 "On or about September 30th, 2016,  
6 Mr. Copenhaver allegedly informed Ms. Hill that  
7 General Manager, Thom Blinkinsop, observed her  
8 children behaving unruly and Ms. Hill violating the  
9 company policy. Mr. Copenhaver terminated Ms. Hill  
10 allegedly for violation of a company policy,  
11 including unauthorized use of a sponsored vehicle.

12 "On October 4th, 2016, Ms. Hill timely filed  
13 a race discrimination complaint with the Nevada Equal  
14 Rights Commission, or NERC.

15 "Subsequent to the NERC complaint,  
16 Mr. Blinkinsop banned Ms. Hill from Respondent's  
17 property citing company policy. Ms. Hill was unable  
18 to coach or observe her tennis students at any  
19 tournaments at Red Rock Country Club.

20 "Confidential witness statements to the  
21 Nevada Equal Rights Commission indicate that a member  
22 of the Red Rock Country Club made derogatory racial  
23 statements regarding Ms. Hill's children and that  
24 this member informed Respondent's management that she  
25 did not want Ms. Hill and/or her children at the Red

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1 Rock Country Club.

2 "Confidential witnesses also told NERC that  
3 Mr. Blinkinsop was on notice regarding the member's  
4 comments and failed to act regarding the race based  
5 discrimination.

6 "On or about March 18th, 2019, NERC issued a  
7 probable cause finding supporting the charge of  
8 racial discrimination against the Respondent.

9 "On or about March 18th, 2019, NERC issued a  
10 probable cause finding supporting the charge of  
11 retaliation against Respondent."

12 So we have the racial discrimination against  
13 Respondent and the retaliation against Respondent.

14 "Pursuant to NRS 233.170(2), on or about  
15 April 2nd, 2019, the Administrator of the Nevada  
16 Equal Rights Commission attempted conciliation; yet  
17 conciliation efforts failed.

18 Pursuant to NRS 233.170(3), on or about  
19 July 23rd, 2019, NERC noticed Respondent of a public  
20 hearing to take place in front of the Commissioners  
21 of the Nevada Equal Rights Commission.

22 "Respondent acknowledges that information  
23 has been received by NERC or its agent, which  
24 constitutes sufficient grounds for the initiation of  
25 a public hearing.

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1           "Respondent admits that the conduct set  
2 forth above may constitute a violation of Title 7 and  
3 Nevada State Law.

4           "Respondent believes that some of the  
5 factual allegations contained herein are inaccurate  
6 and/or incomplete statements. However, this  
7 settlement was reached as a result of compromising, a  
8 compromise among the parties of the disputed claims.  
9 This settlement is not an admission of liability  
10 and/or responsibility for the alleged claims on the  
11 part of the Respondent."

12           If we now go to page 6, I'm going to read  
13 into the record the Order.

14           "Decision and Order. The above-captioned  
15 matter having come before the Commissioners of the  
16 Nevada Equal Rights Commission and the Commission  
17 being fully apprised in the premises, and good cause  
18 appearing, it is hereby ordered:

19           "That the Settlement Agreement incorporated  
20 herein, is approved in full;

21           "That Respondent will draft an EEO manual  
22 approved by NERC that incorporates EEOC guidance on  
23 workplace policies, within 120 days from the date of  
24 the Commission's Order;

25           "That Respondent will provide discrimination



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1 training to all employees by the Equal Rights  
2 Commission, or the EEOC, within 120 days from the  
3 date of the Commission's Order;

4 "That this matter will be brought before the  
5 Commission at the meeting following 120 days from the  
6 date of the Commission's Order to review compliance  
7 with its order.

8 "The Nevada Equal Rights Commission retains  
9 jurisdiction of this case until all conditions have  
10 been met to the satisfaction of the Commission.

11 "It is so ordered."

12 CHAIR HARPER: Thank you, Administrator  
13 Jenkins.

14 So we will have our second public comment  
15 session. Members of the public are advised to speak.  
16 However, no action may be taken on a matter during  
17 public comment until the matter itself has been  
18 included on the agenda as an item for possible  
19 action.

20 Public comment is limited to three minutes  
21 per person at my discretion.

22 Is there anyone who would like to make a  
23 public comment at this time?

24 MR. BUCHANAN: Greetings, Commissioner. I'm  
25 attorney Travis Buchanan here with my client Carmel

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1 Hill. And my client just briefly wanted to speak  
2 regarding something that was left out of the  
3 agreement that she would hope would eventually be  
4 something that could be done for her.

5 MS. HILL: The retaliation with me being  
6 banned from Red Rock, I was hoping if that could be a  
7 term because my daughter is playing tennis  
8 tournaments now. And we can't go to Red Rock, which  
9 is actually a lot of tournaments. They play in  
10 junior tournaments. So it's affecting her right now.

11 And it's affecting my work right now because  
12 I go and watch my teams play. I realize I'm not  
13 allowed to coach at Red Rock. That's not what I do  
14 there. I follow my teams around, and I coach at the  
15 country club I'm at now. And I watch them play, and  
16 then I put that into practice. So it would be nice  
17 if it was found that they retaliate with that.

18 Because I was invited to their Christmas  
19 party. They fired me in September. I went to the  
20 Christmas party. I got a bottle of wine and a tag  
21 from Mike saying, "Thank you for everything you have  
22 done. I'm sorry you're not here anymore." And then  
23 a month or two later, I was told that I was not  
24 allowed to set foot on the premises.

25 There's guys that are being fired from Red

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1 Rock and are allowed to play matches there. I play  
2 in the USTA league on three teams. I can't play any  
3 matches there. So it affects my teams. It affects  
4 my daughter. There's people that are being fired for  
5 way worse than what they think I should have been  
6 fired for, and they're allowed to go play matches  
7 there, but I am not allowed to set foot on there.

8 So I would at least be able to set foot  
9 there because they're saying that I can have my kids  
10 there. I'm not sending my 8-year-old and a  
11 5-year-old to a place that they were discriminated  
12 against without supervision from a parent. And I am  
13 the tennis coach. I'm the tennis player. My husband  
14 is not a tennis player. So to send him, he has no  
15 idea -- sorry, babe -- what he's doing.

16 And I coach a lot of kids that play  
17 tournaments. And I like to go watch them play  
18 because I feel that's part of my job. Even though I  
19 don't get paid for that, I do it. I love the game.

20 So I would ask you if that could be a term  
21 right now so that I can take my kids to Red Rock and  
22 they can play tournaments and I can play on my teams  
23 at Red Rock instead of trying to find other people to  
24 play.

25 MR. BUCHANAN: Thank you.

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1 CHAIR HARPER: Thank you for your comment.

2 Is there anyone else who would like to make a public  
3 comment at this time?

4 Seeing none, I will now adjourn the hearing.  
5 It is 10:26. Thank you.

6 (Thereupon the proceedings were  
7 concluded at 10:26 a.m.)

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CERTIFICATE OF REPORTER

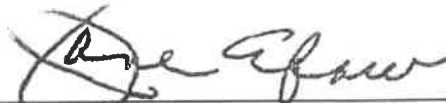
STATE OF NEVADA )

SS:

COUNTY OF CLARK. )

I, Jane V. Efaw, certified shorthand reporter, do hereby certify that I took down in shorthand (Stenotype) all of the proceedings had in the before-entitled matter at the time and place indicated; and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision and the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto affixed my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2019.



Jane V. Efaw, CCR #601