

STEVE SISOLAK
Governor

DR. TIFFANY G. TYLER-GARNER
Director

KARA M. JENKINS
Administrator



COMMISSIONERS
Connye Y. Harper, Chair
Tiffany Young, Secretary
Ivette A. Fernandez
Ngai Pindell
Krista Wahnefried

MEETING MINUTES

Name of Organization: Nevada Equal Rights Commission

Date and Time of Meeting: Tuesday, July 30, 2019
10:00 a.m.

Place of Meeting: Department of Employment, Training & Rehabilitation
Stanley P. Jones Bldg.
2800 E. St. Louis, Conference Rooms A-C
Las Vegas, NV 89104

Nevada Equal Rights Commission Office
1325 Corporate Blvd., Room 115
Reno, NV 89502

Commission Members Present: Chair Connye Harper; Secretary Tiffany Young; Ngai Pindell; Krista Wahnefried; Ivette Fernandez.

Others Present: Dr. Tiffany G. Tyler-Garner, Director, Department of Employment, Training & Rehabilitation (DETR); Rosa Mendez, Public Information Officer (DETR); Sophia Long, Deputy Attorney General; Asheesh S. Bhalla, Deputy Attorney General; Kara Jenkins, Administrator, NERC; Lila Vizcarra, Chief Compliance Investigator, NERC; Darrell Harris, Supervisory Compliance Investigator, NERC; Coralie Peterson, Administrative Assistant III, NERC; Laura Chiesa, Administrative Assistant II, NERC; Keith Hosannah, Employee Development Manager, DETR; Matthew Estrada, Intern, State Attorney General's Office; Stephanie A. Mazzei, Counsel for Respondent; Carmel Hill, Respondent.

The following items may be taken out of order and/or items may be combined for consideration. Items may also be removed from the agenda or the Nevada Equal Rights Commission (Commission) may delay discussion relating to an item on the agenda at any time. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Commission may refuse to consider public comment. See NRS 233B.126.

1. Call to Order - *Connye Harper, Chair*

Chair Harper called the meeting to order at 10:00 a.m. She welcomed all and thanked them for their attendance.

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2. Roll Call, Confirmation of quorum, and Verification of Posting - Coralie Peterson,
Administrative Assistant III, Nevada Equal Rights Commission (NERC)

Coralie Peterson called roll and confirmed for the record that a quorum was present. Meeting was posted in accordance with Nevada Open Meeting Law as is contained in NRS 241.020.

3. Public Comment:

Members of the public will be invited to speak before; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to three (3) minutes per person at the discretion of the chair.

Chair Harper announced the First Comment Session and invited members of the public to speak. Hearing no comments, she closed the session and moved to the next agenda item.

4. Discussion/for Possible Action – PUBLIC HEARING - Administrator’s Charge
Sophia Long, Deputy Attorney General, State of Nevada

Sophia Long, Deputy Attorney General, greeted the Commission and commented that she was acting on behalf of Ms. Kara Jenkins, for the Nevada Equal Rights Commission, and noted appearances for the record. Attorney **Stephanie Mazzei** greeted the Commission and stated that she was representing the Red Rock Country Club.

Ms. Long proceeded to explain that previously Commission members had been emailed a copy of the complaint. She added that the parties have entered into an agreement which had just been submitted electronically to the members. Ms. Long suggested a brief recess be taken to review the agreement, and when the meeting is reconvened, she would highlight some of the important factors of the agreement and why their approval was being proposed.

Once the meeting was reconvened by Chair Harper, Ms. Long proceeded to remind members that the statutory obligation of the Commission is to protect the public (per NRS 233) and foster the rights of all individuals without discrimination and she added that the agreement satisfies the Commission’s duties.

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Highlights of the agreement shared by Ms. Long included:

- NERC would have the right to review, update and make improvements to the Red Rock County Club EEO Manual.
- Respondent agrees to staff training to be provided by either the Equal Employment Opportunity Commission or NERC.
- Respondent waives the right to judicial review, thereby the executed agreement cannot be appealed.
- NERC retains jurisdiction over the terms contained in the agreement until all Respondent obligations are fulfilled.

Ms. Long also noted that if the Commission approves the settlement agreement, the charging party (and her legal representative) still would retain her right to pursue other avenues for remedying her complaint.

Ms. Long noted that she or Attorney Mazzei could address any questions regarding the agreement; however, she also recommended that the Commissioners direct any *procedural* questions to Deputy Attorney General, Asheesh Bhalla (Board Counsel).

After Ms. Long was asked and answered questions regarding details of the agreement, **Chair Harper** stated that she would entertain a motion to approve the settlement agreement.

Commissioner Ngai Pindell raised the motion to approve the settlement agreement and his motion was seconded by Commissioner Ivette Fernandez. All were in favor and the motion passed unanimously.

Ms. Long thanked the Chair and the Commissioners and asked that Ms. Jenkins read the settlement agreement into the record.

Kara Jenkins greeted the Chair and the commissioners, introducing herself as the Administrator of the Nevada Equal Rights Commission. She then proceeded to read portions of the agreement as follows:

SETTLEMENT AGREEMENT AND ORDER

WHEREAS, as more fully addressed below, the Administrator of the NEVADA EQUAL RIGHT COMMISSION (“NERC”), and RESPONDENT Red Rock Country Club (“RRCC” or “Respondent”), collectively referred to as “the Parties”), hereby enter into this Stipulation for Settlement of Disciplinary Actions as follows:

1. Jurisdiction - The Nevada Equal Rights Commission has jurisdiction over Respondent pursuant to Nevada Revised Statutes (NRS) Chapter 233, NRS 613.330(1) and NRS 613.405 and Title VII of the Civil Rights Act of 1964, as amended.

FACTUAL ALLEGATIONS AND VIOLATIONS

2. Respondent, at all times and relevant and hereto, is a membership country club that Provides sports and social activities. Respondent employed 15 or more persons at the time of the allegations.
3. Respondent employed tennis instructor, Carmel-Mary Hill, Caucasian female, from about May 24, 2015 until September 30, 2016, when Respondent terminated her employment.
4. Upon hiring Ms.Hill, Respondent informed her the daycare services, Tot Shop, was for members only.
5. Ms. Hill’s children, ages five and three (at the time), are bi-racial, Caucasian and African-American.
6. Ms. Hill and other members alleged to have observed another tennis instructor, Caucasian male, used the daycare services, Tot Shop, for his two children, Caucasian.
7. Respondent held the annual Red Rock Professional Open (“Tournament”) beginning September 25, 2016, wherein Respondent permitted tennis instructors to bring their children to this Tournament.
8. Ms. Hill brought her children to this Tournament.
9. At the Tournament, a wealthy and longtime Caucasian member of RRCC was allegedly overheard stating in reference to Ms. Hill’s children: “Whose black kids are these?” and subsequently, this wealthy and longtime member complained to Respondent’s management.
10. On or about September 29, 2016, Director of Tennis, Michael Copenhaver, allegedly informed another tennis instructor, Caucasian male, not to bring his Children to the daycare services, Tot Shop, the next day, as Ms. Hill was going to be fired.
11. On or about September 30, 2016, Mr. Copenhaver allegedly informed Ms. Hill that General Manager, Thom Blinkinsop, observed her children behaving unruly and Ms. Hill violating company policy. Mr. Copenhaver terminated Ms. Hill allegedly for violating company policy, including unauthorized use of a sponsored vehicle.

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12. On October 4, 2016, Ms. Hill timely filed a race discrimination complaint with the Nevada Equal Rights Commission, or NERC.
13. Subsequent to the NERC complaint, Mr. Blinkinsop banned Ms. Hill from Respondent's property citing "company policy." Ms. Hill was unable to coach/observe her tennis students at any tournaments held at RRCC.
14. Confidential witness statements to NERC indicate that a member of RRCC Made derogatory racial statements regarding Ms. Hill's children and that this Member informed Respondent's management that she did not want Ms. Hill and/or her children at RRCC.
15. Confidential witness statements to NERC further indicate that Mr. Blinkinsop was on notice regarding the member's comments and failed to act regarding the race based discrimination against Respondent. *See Folkerson v. Circus Circus Enters., Inc.*, 107 F. 3d 754, 756 (9th Cir. 1997).
16. On or about March 18, 2019, NERC issued a Probable Cause finding supporting the charge of racial discrimination against Respondent.
17. On or about March 18, 2019, NERC issue a Probable Cause finding supporting the charge of retaliation against Respondent.
18. Pursuant to NRS 233.170(2), on or about April 2, 2019, the Administrator of NERC attempted conciliation; conciliation failed.
19. Pursuant to NRS 233.170(3), on or about July 23, 2019, NERC noticed Respondent of a Public Hearing to take place in front of the Commissioners of the Nevada Equal Rights Commission ("Commission").
20. Respondent acknowledges that information has been received by NERC or its agent, which constitutes sufficient grounds for the initiation of a Public Hearing.
21. Respondent admits that the conduct set forth above may constitute a violation of Title VII of Civil Rights Act of 1964, as amended, and Nevada State Law, Including NRS 613.330(1), NRS 233.010, and NRA 613.340.
22. Respondent believes that some of the factual allegations contained therein are inaccurate and/or incomplete statements. However, this settlement was reached as a result of a compromise among the Parties of disputed claims. This settlement is not an admission of liability and/or responsibility for the alleged claims on the part of the Respondent.

Ms. Jenkins then directed all to page 6 and read the Decision and Order:

DECISION AND ORDER

The above-captioned matter having come before the Commissioners of the NEVADA EQUAL RIGHTS COMMISSION ("Commission"), and the Commission being fully apprised in the premises, and good cause appearing,

IT IS HEREBY ORDERED:

1. That the Settlement Agreement incorporated herein, is approved in full;
2. That Respondent will draft an EEO manual approved by NERC that incorporates EEOC guidance on workplace policies, within one hundred and twenty (120) days from the date of the Commission's Order;
3. That Respondent will provide discrimination training to all employees by the Equal Rights Commission ("EEOC") or NERC, within one hundred and twenty (120) days from the date of the Commission's Order;
4. That this matter will be brought before the Commission at the meeting following one hundred and twenty (120) days from the date of the Commission's Order to review compliance with its order.

The NEVADA EQUAL RIGHTS COMMISSION retains jurisdiction of this case until all conditions have been met to the satisfaction of the Commission.

5. Public Comment:

Members of the public will be invited to speak; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to three (3) minutes per person at the discretion of the chair.

Chair Harper announced the Second Public and invited members of the public to comment.

Attorney Travis Buchanan greeted the Commissioners and introduced himself and his client, Carmel Hill, who wanted to speak briefly on something left out of the agreement and hoped that something could be done for her.

Carmel Hill stated that she wondered if the retaliation in being banned from being at the Red Rock Country Club could be overturned. She explained that her daughter was playing junior tennis tournaments now and Red Rock has a lot of tournaments, so not being able to go there is affecting her right now.

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Ms. Hill also stated that it was affecting her work now because she goes and watches her teams play. She realizes that she is not allowed to coach at Red Rock, and she is a coach at another club now. But she follows her teams around, watching them play and then she puts that into practice.

She recounted that she had been invited to the Red Rock to their Christmas Party, given a bottle of wine by Mike who thanked her for everything she had done and saying that he was sorry she wasn't there anymore, and a month or so later she was not allowed to set foot on the premises. She added that others fired from the Red Rock are allowed to play matches there, while she, who is in the USTA league on three teams, can't play any matches there, so this affects her teams and her daughter.

She also mentioned that she would at least like to be able to go on the property, because apparently her children can go there. However, she would not permit her children, who had experienced discrimination at the Red Rock, to go there without parental supervision. She is the tennis coach and tennis player, and her husband is not. In addition, she likes to watch them play, and feels it is part of her job. Even though she is not getting paid for this, she loves the game.

Ms. Hill concluded her comments by asking if that could be overturned right now so that she could take her kids to Red Rock and that she could play at Red Rock instead of trying to find other people to play.

Chair Harper thanked Ms. Hill for her comments. She asked if any other wanted to make public comment and hearing no response, she adjourned the meeting.

8. Adjournment – *Connie Harper, Chair*

Chair Harper adjourned the meeting at 10:26 a.m.

Notice: Persons with disabilities who require special accommodations or assistance at the meeting or information regarding obtaining supporting materials for the meeting should contact Coralie Peterson, Nevada Equal Rights Commission (NERC), between the hours of 8:00 a.m. – 5:00 p.m. at (702) 486-4010 or by writing to the Nevada Equal Rights Commission (NERC) 1820 E. Sahara Ave., Suite 314, Las Vegas, Nevada 89104; or fax (702) 486-7054 on or before the close of business on Monday, July 29, 2019.

Notice of this meeting was posted at the following locations on or before 9:00 a.m. on the third working day before the meeting: DETR, 2800 E. St. Louis, Las Vegas, NV; DETR, 500 East Third St., Carson City, NV; DETR, 1325 Corporate Blvd., Reno NV; NEVADA JOBCONNECT, 3405 S. Maryland Parkway, Las Vegas, NV; NEVADA JOBCONNECT, 4500 Sunset Road., Henderson, NV; NEVADA JOBCONNECT, 2827 N. Las Vegas Blvd., North Las Vegas, NV; NEVADA JOBCONNECT, 1929 N. Carson St., Carson City, NV; NEVADA JOBCONNECT, 172 Sixth St., Elko, NV; NEVADA JOBCONNECT, 480 Campton St., Ely, NV; NEVADA JOBCONNECT, 121 Industrial Way, Fallon, NV; NEVADA JOBCONNECT, 475 W. Haskell, #1, Winnemucca, NV; NEVADA JOBCONNECT, 4001 S. Virginia St., Suite G, Reno, NV; NEVADA JOBCONNECT, 2281 Pyramid Way, Sparks, NV; GRANT SAWYER OFFICE BUILDING, 555 E. Washington Ave., Las Vegas, NV; LEGISLATIVE BUILDING, 401 S. Carson St., Carson City, NV; NEVADAWORKS 6490 S. McCarran Blvd., Building A, Unit 1., Reno, NV; WORKFORCE CONNECTIONS, 7251 W. Lake Mead Blvd., Las Vegas, NV. This agenda was also posted on DETR's Web site at www.detr.nv.gov. In addition, the agenda was mailed or e-mailed to groups and individuals as requested.