



For Immediate Release

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BOLI Final Order: Eugene market violated disabled customer's civil rights in service animal complaint
Eugene woman prevails in disability discrimination ruling

PORTLAND, OR—A Eugene convenience store, Duck Stop Market, violated the civil rights of a disabled customer when it refused entry to a woman and her service animal during multiple visits, the Bureau of Labor and Industries (BOLI) announced today.

BOLI's previous investigation found substantial evidence of a violation, but the parties failed to reach a settlement. Today's Final Order comes after a contested hearing in which both the respondent, Kara Johnson of Duck Stop Market, and the agency's administrative prosecution unit argued the case in front of an administrative law judge.

Complainant Michel Hilt-Hayden filed the civil rights complaint in May 2013 after being denied entry to a market with her two service dogs, Panda and Contessa. In his Final Order, Commissioner Brad Avakian found that the service animals performed various tasks, including helping the visually-impaired complainant walk through crosswalks and identify traffic and reminding her to take medication every two hours.

During the encounter, the store owner told complainant Hilt-Hayden that a sign outside the store read, "no service animals – go read it." However, a sign conspicuously placed in the store's front read: **"SERVICE ANIMALS WELCOME."**

A Duck Stop employee later wrote in the store's log book, "New people across the street... [c]ame in with wife and 2 service dogs. Told them no dogs in store, wife not happy – TOO BAD!"

Two subsequent visits by Hilt-Hayden to the store, including one with the president and director of training at Sunstone Service Dogs, were unsuccessful in resolving the issue. The experience proved upsetting to the complainant, who had been using service animals for six years and understood the law regarding service animals in public places.

After filing a civil rights complaint with BOLI, Hilt-Hayden, who has both physical and mental disabilities, sensed that she was being followed and having her privacy invaded by the respondent.

At one point, a woman driving a white SUV approached Hilt-Hayden during a walk, stopping to take pictures of her as she went down the street. Further along the walk, the woman took more pictures, prompting the complainant to ask the driver to stop taking photos. The driver told Hilt-Hayden that she was from Portland.

Later, Hilt-Hayden received an eviction notice because of complaints that someone associated with her was taking pictures at her apartment. Although Hilt-Hayden was able to get the eviction rescinded by explaining that she was being stalked, the incidents were deeply stressful, exacerbating her existing PTSD.

During a site visit to Duck Stop Market, the administrative law judge also noticed a white Lexus SUV with the same license plate parked outside the store. In addition, an employee of Duck Stop Market testified that she drove the respondent around to follow Hilt-Hayden, including engaging in activities like following Hilt-Hayden's bus for 20 minutes.

Owner Kara Johnson did not offer rebuttal testimony about the "stalking" activity nor did she challenge Hilt-Hayden about her physical, mental and emotional distress after she felt personally threatened.

"We have a duty to ensure that disabled Oregonians are treated fairly and have equal access to public places," said Labor Commissioner Brad Avakian. "Duck Stop Market failed to follow Oregon civil rights law, despite attempts by the complainant to convince the store owner that service animals are still allowed in stores with a 'no pets' policy."

The BOLI Final Order will require Duck Stop Market owner Kara Johnson to attend training on Oregon law regarding disability protections in public places. In addition, the respondent must compensate Hilt-Hayden \$60,000 for physical, emotional and mental suffering as a result of the business's unlawful practices.

For more information about BOLI's efforts to protect the civil rights of all Oregonians, visit <http://www.oregon.gov/BOLI>.

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