



For Immediate Release

Feb. 22, 2018

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Oregon Court of Appeals affirms disability ruling in Eugene civil rights case

Duck Stop Market unlawfully discriminated against disabled woman by denying her service

PORTLAND, OR—[The Oregon Court of Appeals today upheld](#) a BOLI Final Order that found that 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 court affirmed the BOLI Final Order and rejected all arguments by Kara Johnson, the owner and operator of the market.

In response to the ruling, Commissioner Brad Avakian issued the following statement:

With today's ruling, the court upholds our efforts to ensure that disabled Oregonians are treated fairly and have equal access to public places. I appreciate the work of our Civil Rights Division and Administrative Prosecution Unit in making sure that Oregon remains open to all.

In Oregon, service animals are not pets. Duck Stop Market failed to recognize this as required by 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.

Any business owner seeking guidance on civil rights protection can contact our agency so that they can understand and comply with Oregon's requirements.

Under Oregon law, businesses may not refuse service based on disability, just as they may not turn customers away because of race, sex, sexual orientation, age or religion.

Complainant Michel Hilt-Hayden filed the civil rights complaint in May 2013 after Duck Stop Market denied her entry to the market with her two service dogs, Panda and Contessa. The Final Order found that the service animals performed various tasks, including helping the visually impaired complainant walk through crosswalks, navigating traffic and reminding her when to take medication.

During an encounter between the owner of the market and complainant, the 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 logbook, "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 someone was stalking her, 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.

The original Duck Stop [Final Order can be found here](#).

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