



LEXINGTON-FAYETTE URBAN COUNTY
HUMAN RIGHTS COMMISSION

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**Fayette Circuit Judge Upholds LFUC Human Rights Commission's
Decision in favor of Lexington Woman who alleged sexual harassment in a Fair
Housing Appeal**

Yesterday, Fayette Circuit Judge James D. Ishmael, Jr. upheld a Lexington-Fayette Urban County Human Rights Commission's decision to award to a Lexington Woman¹ who alleged that she was subjected to prohibited acts in the terms and conditions of housing because of her sex, female by the Respondent, Cleophas Johnson, Jr.

The woman filed a verified complaint with the United States Department of Housing and Urban Development and the Lexington-Fayette Urban County Human Rights Commission on June 10, 2003. The Complainant alleges that on or about March and April 2003 she was subjected to unwelcome sexual comments and advances from Johnson. The women alleged that when she rejected these advances, Johnson told her that he would no longer be able to assist her with finding an apartment or providing financial assistance. She believed that she had been discriminated against because of her sex, female.

The Respondent Johnson was an employee of a non-profit organization with a rental assistance program and duly authorized agent to approve or disapprove of the rental assistance award. Johnson denies all allegations.

After an investigation by the Human Rights Commission, staff issued a finding of probable cause to believe the discrimination occurred and issued a charge of discrimination on October 24, 2004. The parties elected to have their hearing before a Hearing Examiner appointed by the Commission. The Hearing Examiner conducted a public hearing and on issued a recommended order on January 11, 2005 finding in favor of the Woman and awarding her \$1,000 in pain, suffering and humiliation and a civil fine and penalty of \$1,000 to vindicate public policy.

On May 26, 2006, the full Commission affirmed the decision of the Hearing Examiner but increased the award of damages for pain, suffering and humiliation to \$10,000 and increased the civil fine and penalty to \$5,000. Johnson appealed the finding to the

¹ Because the woman is considered to be a victim of sexual harassment, the Commission declines to identify her in public.

Fayette Circuit Court and challenged the Commission's decision to increase the award as "arbitrary and without foundation". The Fayette Circuit Court Judge affirmed the Commission's award and found the award "reasonable under the circumstances and do not offend the Court's sense of fair play and reasonableness." The Court further said that the award was "clearly within the discretion of the Commission and was supported by evidence presented."

The Commission is the agency responsible for enforcing the local anti-discrimination laws in employment, housing and public accommodation in Lexington-Fayette County. Additional information on the Commission is available on its web site at www.lfuchrc.org.

For further information about the statement please contact William D. Wharton, Executive Director at 859-252-4931, ext 222 or via email at wwharton@lfuchrc.org.