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CHARLOTTE, N.C.

JAN 30 2003

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Clerk, U. S. Dist. Court
W. Dist of N. C.

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

**HR AMERICA, INC. and
SUMMIT HOSPITALITY GROUP, LTD.,**

Defendants.

CIVIL ACTION NO. 3:01CV554-M

CONSENT DECREE

FILED
CHARLOTTE, N.C.
03 JAN 31 PM 2: 0
U.S. DISTRICT COURT
W. DIST. OF N.C.

The Equal Employment Opportunity Commission ("EEOC" or "the Commission") instituted this action pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

The Commission and the Defendants hereby stipulate to jurisdiction of the Court over the parties and agree that the subject matter of this action is properly before the Court.

The parties have advised this Court that they desire to resolve the allegations in the Complaint without the burden, expense, and delay of further litigation. As such, the Defendants make no admission of liability in this matter and have agreed to this resolution simply as a matter of economic efficiency.

It is therefore the finding of this Court, made on the pleadings and the record as a whole, that:

(1) the Court has jurisdiction over the parties and the subject matter of this action; (2) the purpose and provisions of Title VII will be promoted and effectuated by the entry of the Consent Decree; and (3) this Decree resolves all matters in controversy between the parties as provided in paragraphs 1 through 15 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendants shall not discriminate against or harass individuals on the basis of sex within the meaning of Title VII of the Civil Rights Act of 1964, and specifically shall not subject employees to unlawful sexual harassment.

2. Defendants shall not discriminate or retaliate against any person because of opposition to any practice made unlawful under Title VII, or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding or hearing under the foregoing statute.

3. Defendants shall pay the sum of Ten Thousand Eight Hundred and Seventy-Five Dollars (\$10,875.00) as damages in this action. Specifically, Defendants shall pay Thomas R. Page the sum of Nine Thousand Dollars (\$9,000.00) as damages in this action and Defendants shall pay Eric Robinson the sum of One Thousand Eight Hundred Seventy-Five Dollars (\$1,875.00) as damages in this action. The total amount to be paid pursuant to this Decree is Ten Thousand Eight Hundred and Seventy-Five Dollars (\$10,875.00).

Defendants shall make payment by issuing the following, the sum of which shall not exceed Ten Thousand Eight Hundred and Seventy-Five Dollars (\$10,875.00): (1) a check directly payable to Thomas R. Page in the amount of Nine Thousand Dollars (\$9,000.00); and (2) a check directly payable to Eric Robinson in the amount of One Thousand Eight Hundred Seventy-Five Dollars (\$1,875.00). Payment shall be made within ten (10) days after the Court enters this Consent Decree. Defendants shall mail the checks to Mr. Page and Mr. Robinson at respective addresses to be provided by the Commission in a separate correspondence. Within ten (10) days after the checks have been sent to Mr. Page and Mr. Robinson, Defendants shall mail to Mindy E. Weinstein, Regional Attorney, Equal Employment Opportunity Commission, 129 West Trade Street, Suite 400,

Charlotte, NC 28202, a copy of each check and proof of its delivery.

4. Defendants are jointly and severally liable for payment of the sums outlined in paragraph three above.

5. Defendants agree to eliminate from the employment records of Thomas R. Page and Eric Robinson any and all documents and entries relating to the facts and circumstances which led to the filing of the EEOC charge of discrimination and the related events that occurred thereafter, including the filing of this lawsuit.

6. Defendants agree to provide Thomas R. Page and Eric Robinson with a neutral letter of reference, a copy of which is attached hereto. In addition, if Defendants receive any inquiries regarding the employment of either gentleman, they will respond in conformity with the neutral letter of reference.

7. Within 90 days of the entry of this decree by the Court, Defendants shall each adopt, implement and distribute to employees of the Dunhill Hotel, a formal, written anti-discrimination policy, which shall include an explanation of the requirements of the federal equal employment opportunity laws, including Title VII of the Civil Rights Act of 1964 and its prohibition against sex discrimination in the workplace, including sexual harassment, and retaliation, and a procedure for complaining about discrimination. During the terms of this Decree, Defendants shall distribute the policy to all new Dunhill Hotel employees at the time of hire.

8. During the term of this Decree, Defendants shall be jointly and severally liable for providing an annual training program on Title VII to all personnel at the Dunhill Hotel, including the Monticello Restaurant. At least fifteen (15) days prior to each program, Defendants shall provide the Commission with an agenda for the training program. Each training program shall include an explanation of the requirements of the federal equal employment opportunity laws, including Title

VII of the Civil Rights Act of 1964 and its prohibition against sex discrimination in the workplace, including sexual harassment, and retaliation. Each training program shall also cover the Dunhill Hotel's harassment policies and an explanation of the rights and responsibilities of employees and managers under the policies. The first training program shall be completed within ninety (90) days after entry of the decree by the Court. Each subsequent training program shall be conducted at approximately one-year intervals. Within ten (10) days after completion of each training program, Defendants shall certify to the Commission the specific training which was undertaken.

9. During the term of this Decree, Defendants shall conspicuously post the attached Employee Notice, marked Appendix A, hereby made a part of this Decree, in The Dunhill Hotel, in a place where it is visible to employees. If the Notice becomes defaced or unreadable, Defendants shall replace it by posting another copy of the Notice.

10. Each Defendant agrees to provide the Commission with semi-annual reports during the term of this Decree. The reports shall include the following information: the identities of all of the Dunhill Hotel employees who, during the respective reporting period, have complained of or reported sexual harassment or retaliation, including by way of identification each person's name, home address, home telephone number, social security number, and gender; a statement of the individual's complaint; and a description of what action was taken in response to the individual's complaint. Each Defendant shall submit the first report to the Commission four months after the date of entry of this Consent Decree and shall submit subsequent reports every six months thereafter during the term of this Decree.

11. Defendants agree that the Commission may review compliance with this Decree. As part of such review, the Commission, upon reasonable notice, may inspect the relevant areas of the premises, interview non-managerial employees who have relevant knowledge, and examine and copy

documents relevant to the alleged non-compliance.

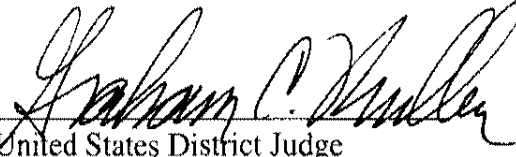
12. If at any time during the term of this Decree, the Commission believes that a Defendant is in violation of this Decree, the Commission shall give written notice of the alleged violation to the respective Defendant. The Defendant then shall have twenty (20) days in which to investigate and respond to the allegations. Thereafter, the parties shall have a period of twenty (20) days, or such additional period as may be agreed upon by them, in which to engage in negotiation and conciliation regarding such allegations, before the Commission exercises any remedy provided by law.

13. Except as otherwise provided herein, each party shall bear its own costs and fees.

14. The term of this Decree shall be for eighteen (18) months from its entry by the Court.

15. This Court shall retain jurisdiction of this cause for the term of this Decree for purposes of monitoring compliance with this Decree and entry of such further orders as may be necessary or appropriate.

30 Jan 03
Date

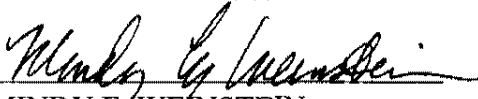

United States District Judge
Western District of North Carolina


The parties jointly request that the Court approve and enter the Consent Decree:

This the 30th day of January 2003:

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Plaintiff**

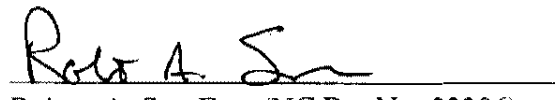
GWENDOLYN YOUNG REAMS
Associate General Counsel


MINDY E. WEINSTEIN
Regional Attorney


KARA GIBBON HADEN
(NC Bar No. 26192)
Trial Attorney
129 West Trade Street, Suite 400
Charlotte, N.C. 28202
704.344.6885
704.344.6780 (Facsimile)

This the 29 day of January 2003:

**HR AMERICA, INC. and SUMMIT
HOSPITALITY GROUP, LTD.,
Defendants**


Robert A. Sar, Esq. (NC Bar No. 22306)
OGLETREE, DEAKINS, NASH
SMOAK & STEWART, P.C.
Post Office Box 31680
Raleigh, North Carolina 27622
919.787.9700
919.783.9412 (Facsimile)
Attorney for Defendants

[to be placed on the Dunhill Hotel's letterhead]

EMPLOYEE NOTICE

This Notice is posted pursuant to a settlement between the U.S. Equal Employment Opportunity Commission, HR America, Inc. and Summit Hospitality Group, LTD. in a case of discrimination based on gender and retaliation, specifically, Civil Action No. 3:01CV554-M filed in the U.S. District Court for the Western District of North Carolina, Charlotte Division.

Federal law requires that employers not discriminate against any employee or applicant for employment because of the individual's race, color, religion, sex, national origin, age (40 or older) or disability. Discrimination, sexual harassment or hostile work environments have no place in our business. Our company supports and will comply with such federal law in all respects.

If you believe you have been the victim of any illegal discrimination or harassment, you must report your concerns to management immediately. Please consult our anti-discrimination policy for more details

We want to solve any problems you believe exist. An employee has the right, and is encouraged to exercise that right, to report allegations of employment discrimination in the workplace. An employee may contact their local U. S. Equal Employment Opportunity Commission field office for the purpose of filing a charge of employment discrimination. To locate the nearest field office, contact:

Equal Employment Opportunity Commission
1801 L Street, N.W.
Washington, DC 20507
TEL: 1-800-669-4000
TTY: 1-800-669-6820

APPENDIX A

[to be placed on the Dunhill Hotel's letterhead]

To whom it may concern:

We are pleased to provide you with the following information about our former employee [insert name].

[insert name] worked for the Dunhill Hotel from [date range]. [insert name] worked as a [insert position] during his tenure of employment. [insert name] proficiently carried out his duties as a [insert position].

We hope that this information is helpful to you and to [insert name].

[insert company signature].

United States District Court
for the
Western District of North Carolina
January 31, 2003

* * MAILING CERTIFICATE OF CLERK * *

Re: 3:01-cv-00554

True and correct copies of the attached were mailed by the clerk to the following:

Gwendolyn Young Reams, Esq.
Equal Employment Opportunity Commission
1801 L Street, N.W.
7th Floor
Washington, DC 20507

Mindy E. Weinstein, Esq.
Equal Employment Opportunity Commission
129 W. Trade St.
Suite 400
Charlotte, NC 28202-2799

Kara L. Gibbon Haden, Esq.
Equal Employment Opportunity Commission
129 W. Trade St.
Suite 400
Charlotte, NC 28202-2799

Robert A. Sar, Esq.
Ogletree, Deakins, Nash, Smoak and Stewart
P. O. Box 31608
Raleigh, NC 27622

C. Matthew Keen, Esq.
Ogletree, Deakins, Nash, Smoak and Stewart
P. O. Box 31608
Raleigh, NC 27622

cc:
Judge ()
Magistrate Judge ()
U.S. Marshal ()
Probation ()
U.S. Attorney ()
Atty. for Deft. ()
Defendant ()
Warden ()
Bureau of Prisons ()
Court Reporter ()
Courtroom Deputy ()
Orig-Security ()
Bankruptcy Clerk's Ofc. ()
Other _____ ()

Date: 1/31/03

Frank G. Johns, Clerk

By: *Clack*
Deputy Clerk