



FACTUAL ALLEGATIONS

2. Respondent 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<sup>1</sup> 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 use only.
5. Ms. Hill's children, ages five and three, are bi-racial, Caucasian and African-American.
6. Ms. Hill and other members have observed another tennis instructor, Caucasian male, use 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 overheard stating in reference to Ms. Hill's children: "Who's 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, 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 informed Ms. Hill that General Manager, Thom Blinkinshop, observed her children behaving unruly

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<sup>1</sup> Respondent alleged that Ms. Hill was an independent contractor, however, when applying the "agency test" here, Ms. Hill's earning records, hours and details of work indicate that she was an employee. *See N.L.R.B. v. Friendly Cab Co., Inc.*, 512 F.3d 1090, 1096-97 (9<sup>th</sup> Cir. 2008).

1 and Ms. Hill violating company policy. Mr. Copenhaver terminated Ms. Hill's  
2 employment.

3 12. On October 4, 2016, Ms. Hill timely filed a race discrimination complaint with  
4 NERC.

5 13. Subsequent to the NERC complaint, Mr. Blinkinshop banned Ms. Hill from  
6 Respondent's property citing "company policy." Ms. Hill was unable to  
7 coach/observe her tennis students at any tournaments held at RRCC.

8 14. Witness statements to NERC indicate that a member of RRCC made derogatory  
9 racial statements regarding Ms. Hill's children and that this member informed  
10 Respondent's management that she did not want Ms. Hill and/or her children at  
11 RRCC.

12 15. Witness statements to NERC further indicate that Mr. Blinkinshop was on notice  
13 regarding the member's comments and failed to act regarding the race based  
14 discrimination. *See Folkerson v. Circus Circus Enters., Inc.*, 107 F.3d 754, 756  
15 (9<sup>th</sup> Cir. 1997).  
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### 17 VIOLATIONS OF LAW

18 16. By failing to prevent a discrimination based on race, despite evidence of notice  
19 to correct and enforce, Red Rock Country Club has willfully violated Title VII of  
20 Civil Rights Act of 1964, as amended, and Nevada State Law, including NRS  
21 613.330(1) and NRS 233.010. Further, the Administrator has probable cause  
22 evidence that suggests such unlawful behavior may persist.

23 17. By banning Ms. Hill from RRCC after she filed a discrimination based on race  
24 complaint with NERC, Red Rock Country Club has engaged in retaliation and  
25 willfully violated Title VII of Civil Rights Act of 1964, as amended, and Nevada  
26 State Law, including NRS 613.340. Further, the Administrator has probable  
27 cause evidence that suggests such unlawful behavior may persist.  
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**ACTION AUTHORIZED**

18. Under NAC 233.200 and NRS 233.170, the Commission is authorized to issue a Cease and Desist Order from the unlawful practice and/or to restore benefits and rights to the aggrieved party.

WHEREFORE it is requested that the Commissioners of the Nevada Equal Rights Commission ("Commission") take appropriate action with respect to Red Rock Country Club. Specifically, Respondent must immediately cease and desist from any and all discrimination on the basis of race, including but not limited to other protected categories pursuant to federal and state law. Further, appropriate training and policies must be implemented and proof of such efforts must be provided to the Commission within 30 days of the order.

**NOTICE OF HEARING**

Location of Hearing: A hearing has been set to consider this Complaint against Respondent Red Rock Country Club in accordance with NRS Chapters 233B and 233 and NAC 233. The hearing is scheduled to take place at the Commission meeting on **July 30, 2019 at 10:00am at the Department of Employment, Training and Rehabilitation (DETR), Stanley P. Jones Building, Conference Room C, 2800 East St. Louis Avenue, Las Vegas, NV 89104.** The hearing is an open meeting under Nevada's Open Meeting law and may be attended by the public. **Please take note that the Commission meeting will be video-conferenced from NERC's Reno location in its Conference Room Suite 115, 1325 Corporate Blvd., Reno, NV 89502.**

Rights at the Hearing: As the Respondent, you are specifically informed that you have the right to appear and be heard in your defense, either personally or through counsel. At the hearing, the prosecutor for the Commission has the burden of proving the allegations in the complaint and will call witnesses and present evidence against you. You have the right to

1 respond and present relevant evidence and arguments on all issues involved. You have the  
2 rights to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses  
3 on any relevant matter. You have the right to request that the Commission issue subpoenas to  
4 compel witnesses to testify and/or evidence to be offered on your behalf pursuant to NAC  
5 233.170. If you fail to appear, the Commission may proceed and consider the matter and  
6 dispose of it on the basis of the evidence before it pursuant to NAC 233.190(1). Other important  
7 rights you have are listed in NRS chapters 233B and 233 and NAC chapter 233. A copy of these  
8 statutes and regulations are attached.

9 Purpose: The purpose of the hearing is to determine if the allegations are proven by the  
10 evidence presented and if Red Rock Country Club has violated state and federal laws as  
11 alleged. The purpose of the hearing is also to determine if a cease and desist order is required.

12 Dated this 22<sup>nd</sup> Day of July, 2019.

13  
14 NEVADA EQUAL RIGHTS COMMISSION

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16 By: 

17 Kara Jenkins, Administrator  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 23 day of July, 2019, I emailed\* a copy of the foregoing  
Complaint and Notice of Hearing to:

Respondent Legal Representative:

Stephanie A. Mazzei, Esq.  
**Skane Wilcox LLP**  
1120 Town Center Drive, Suite #100  
Las Vegas, NV 89144  
Email: smazzei@skanewilcox.com



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Coralie Peterson  
Administrative Assistant III,  
Nevada Equal Rights Commission

\*Pursuant to NRS 241.034 (1) (B) (1), a copy must be personally served five (5) working days prior to the Public Hearing. Respondent waived personal service.