

State of Wisconsin



Labor and Industry Review Commission

**Valerie Flores**  
Complainant

**City of Columbus**  
**Columbus Police Department**  
Respondent

ERD Case No. CR202202106

**Public Accommodation Decision<sup>1</sup>**

**Dated and Mailed:**

**February 8, 2023**

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The decision of the administrative law judge is **affirmed**. Accordingly, the complainant's complaint is dismissed.

By the Commission:

/s/

\_\_\_\_\_  
Michael H. Gillick, Chairperson

/s/

\_\_\_\_\_  
Georgia E. Maxwell, Commissioner

/s/

\_\_\_\_\_  
Marilyn Townsend, Commissioner

<sup>1</sup> **Appeal Rights:** See the pink enclosure for the time limit and procedures for obtaining judicial review of this decision. If you seek judicial review, you **must** name the Labor and Industry Review Commission as a respondent in the petition for judicial review. Appeal rights and answers to frequently asked questions about appealing a fair employment decision to circuit court are also available on the commission's website, <http://lirc.wisconsin.gov>.

### **Procedural Posture**

This case is before the commission to consider the complainant's allegation that the respondent discriminated against her based on her sex, disability, "familial status," and because she is a "DV victim," in violation of the Wisconsin Public Accommodation and Amusement Law (hereinafter "WPAAL"). An administrative law judge for the Equal Rights Division of the Department of Workforce Development issued a decision dismissing the complaint based on a lack of jurisdiction. The complainant has filed a timely petition for commission review of that decision.

The commission has considered the petition and the positions of the parties, and it has reviewed the information that was before the administrative law judge. Based on its review, the commission agrees with the decision of the administrative law judge, and it adopts the findings and conclusions in that decision as its own.

### **Memorandum Opinion**

In her petition for commission review the complainant argues that the respondent unlawfully detained her, which resulted in her receiving an eviction notice from her landlord and ruined her good rental history. She asks that the administrative law judge proceed to review her case on probable cause. However, the complainant's request for a hearing on probable cause must be denied. The commission initially notes that two of the four bases of discrimination alleged in the complaint, "familial status" and "DV victim," are not covered by the WPAAL, which prohibits denial of the full and equal enjoyment of a public place of accommodation or amusement because of "sex, race, color, creed, disability, sexual orientation, national origin or ancestry." Wis. Stat. § 106.52(3)(a)1. Further, in order to be subject to the WPAAL for discrimination on those bases the respondent must be a "public place of accommodation or amusement," as defined in Wis. Stat. § 106.52(1)(e)1. As the administrative law judge explained in his decision, a police department is not considered a public place of accommodation or amusement within the meaning of the statute, as it does not provide necessities or comforts of the type offered by the businesses enumerated in the statute. Because the Division lacks jurisdiction over the complainant's complaint under the WPAAL, the dismissal of the complaint is affirmed.

cc: Attorney Paul A. Johnson