

State of Wisconsin



Labor and Industry Review Commission

Derrick D. McCann
Complainant

Madison Metropolitan School District
Respondent

ERD Case No. CR202500284

Public Accommodation Decision¹

Dated and Mailed:

August 28, 2025

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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

¹ **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 him based on his race and sex, 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 upon a lack of jurisdiction. The complainant has filed a timely petition for commission review of that decision.

The commission has considered the petition and 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 adopts the findings and conclusions in that decision as its own.

Memorandum Opinion

In his petition for commission review the complainant argues that he expressed his concerns to the respondent prior to filing his equal rights complaint, but the respondent never expressed or communicated to him that it was not a public accommodation. However, what the respondent communicated to the complainant has no bearing or effect on the coverage of the statute. The WPAAL does not cover the complainant's access to a public school for purposes of picking up his daughter, and the respondent's failure to explain this to the complainant does not change that fact. The dismissal of the complaint is, therefore, affirmed.

cc: Atty. Benjamin J. Roovers