



## NEWS RELEASE

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### **Colorado Civil Rights Commission Reverses Initial Decision of Administrative Law Judge in Sexual Harassment Case**

DENVER – On December 18, 2009, the Colorado Civil Rights Commission reversed a decision of an Administrative Law Judge of the Colorado Office of Administrative Courts. The Commission found that an American Legion Post #109 violated the civil rights of a bar manager employed by Post #109. The Administrative Law Judge originally found in favor of Post #109. On February 23, 2010, the Commission received notice that the American Legion Post had filed an appeal of the Commission's decision with the Colorado Court of Appeals. The Commission intends to vigorously defend its action. The Commission rarely reverses an Administrative Law Judge's decision.

The Commission agrees with the employee's assertions that she, as a bar manager of the Windsor-area American Legion Forbes-McKay Post #109, had been severely sexually harassed by the Post Commander Lowell Buderus, and subsequently terminated on October 1, 2007 as a result of her unwillingness to participate with the Post Commander in his sexual advances.

On June 23, 2009, an Administrative Law Judge dismissed the charges against Post #109. The Judge's decision stated that the Commission did not provide sufficient evidence to prove unlawful discrimination, harassment, or retaliation.

The Colorado Civil Rights Commission disagreed with the Administrative Law Judge's finding and, on December 18, 2009, the Civil Rights Commission issued its order reversing the Administrative Law Judge's decision indicating that the employee had experienced an extremely severe level of sexual harassment, that Post #109's explanation for the termination was not credible, and that Post #109 did not follow its standard termination procedures. Finally, the Commission found that under the law, a case of discrimination had been established by the employee without Post #109 having met its burden of establishing legitimate, non-discriminatory reasons for any employment decisions that were made.

The Colorado Civil Rights Commission awarded the employee back pay and ordered the Windsor American Legion Forbes-McKay Post #109 to cease and desist any further discriminatory practices in the future.

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