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PRESS RELEASE

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Nevada Equal Rights Commission Fines Business for Failing to Respond to Discrimination Investigation

LAS VEGAS, NV — The Nevada Equal Rights Commission (NERC) levied a \$1,000 fine against Frontline Auto Remarketing, LLC, during a public hearing Wednesday for repeatedly failing to cooperate in an employment discrimination complaint filed in 2014.

During the administrative hearing, Deputy Attorney General Rose Marie Reynolds examined NERC compliance investigators about each attempt to contact Frontline. The investigators testified that over a two-year period, Frontline ignored five letters and a subpoena that was served in person, to participate in proceedings investigating the allegations of discrimination.

Frontline representatives were notified of the hearing and notified of their rights to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses. However, no representative of Frontline attended the hearing held at the Department of Employment, Training and Rehabilitation administrative building on St. Louis Avenue.

“It is unfortunate that Frontline Auto Remarketing, LLC ignored the many attempts of this Commission to adhere to its investigative process,” said Kevin E. Hooks, Commission Chairman. “One can only reasonably assume that this employer does not consider equality and fairness a fundamental business imperative. The outcome of today's hearing should serve as notice that NERC will use every tool at its disposal to engage employers in our investigative process.”

This is the first public hearing held in approximately 14 years, said NERC Administrator Kara Jenkins. The Commission will begin to more actively pursue businesses that fail to cooperate with investigations.

“We give businesses ample opportunity to respond to allegations of discrimination. Typically businesses that fail to respond in the early stages of investigations will respond once it reaches the point of serving them a subpoena,” Jenkins said. “However, Frontline has acted egregiously by willfully ignoring NERC’s request for cooperation in the investigation. This is unfair to the charging party who came to NERC for a resolution for their allegations.”

Under NRS 233.210, the Commission is authorized to impose a fine of up to \$500 for each violation of the law, Hooks said. Since there are two claims of discrimination, \$500 was levied for each offense.

Because Frontline representatives failed to appear at the hearing, the Commission will likely find cause on an adverse inference, which means the Commission

will no longer remain neutral and will attempt to conciliate the matter on behalf of the charging party. Frontline will continually receive notice and will have the opportunity to have the matter conciliated with Jenkins. However, if conciliation efforts fail, the case will be referred to the federal Equal Employment Opportunity Commission (EEOC) which can choose to reopen the investigation using NERC's findings, conciliate the matter, or issue the charging party a right-to-sue letter for damages in federal court.

“As a Commission, it is incumbent upon us to pursue every effort to ensure the rights of both businesses and employees involved in investigations of discrimination,” said Hooks. “While NERC serves as a neutral body in investigating claims of discrimination, it is our duty to enforce the Nevada Revised Statutes which empowers the Commission to levy fines when businesses fail to comply with investigations. The Commission takes allegations of discrimination very seriously. The law requires businesses to fully participate and cooperate in resolving matters related to employment discrimination. Frontline deliberately defied that law.”



DETR is comprised of the Employment Security Division, Equal Rights Commission, Rehabilitation Division, and the Research and Analysis Bureau. DETR works in partnership with the Nevada JobConnect System to provide training and job placement services to job seekers and to assist employers in hiring practices. It also supports economic development efforts through improving Nevada's workforce.