



Maine Human Rights Commission

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INVESTIGATOR'S REPORT

PA15-0472

March 27, 2017

Sean LaPlante (Glen, NH)

v.

Ramada Inn (Kittery, ME)

I. Summary of Case:

Complainant Sean LaPlante, a prospective guest of Respondent Ramada Inn ("Inn"), alleged that the Inn discriminated against him based on his disability when it refused to allow him to stay at the Inn with his service animal. The Inn denied discriminating against Complainant based on his disability and stated that Complainant was asked to leave after creating a disturbance for other guests. The Investigator conducted a preliminary investigation, which included reviewing all of the documents submitted by the parties and requesting additional information. Based upon all of this information, the Investigator recommends that the Commission find that there are **reasonable grounds** to believe that the Inn discriminated against Complainant based on his disability.

II. Jurisdictional Data:

- 1) Dates of alleged discrimination: November 8, 2014.
- 2) Date complaint filed with the Maine Human Rights Commission ("Commission"): August 26, 2015.
- 3) The Inn offers overnight accommodations to the public, and is a "public accommodation" subject to the Maine Human Rights Act ("MHRA") and state public accommodations regulations.
- 4) Complainant is represented by Kristin Aiello, Esq. The Inn is represented by Philip L. Pettis, Esq.

III. Development of Facts:

- 1) Complainant provided the following in support of his claims:

Complainant suffers from a disability and requires the use of a service animal. On November 8, 2014, Complainant called the Inn's corporate franchise ("Corporate") customer service phone line and an agent made a reservation for Complainant at the Inn. Minutes later, when Complainant arrived at the Inn with his service animal—which was wearing a harness marked "Service Dog" on both sides—an employee ("Employee") at the front desk asked Complainant to provide a license or certificate for the animal. Complainant explained that he did not have with him, or need to produce, documentary proof. Employee then told Complainant that his reservation was cancelled and there were no vacancies for him

to stay at the Inn. The Inn's general manager ("General Manager") told him that he was being refused a room because he did not have documentation for his service animal. Complainant interacted mainly with General Manager, did not interact with any other guests, was never asked to leave the Inn, and left of his own accord. Complainant's efforts to assert his rights were polite and courteous.

2) Respondent provided the following in support of its position:

Complainant's reservation was never cancelled because he had no reservation; he was a walk-in. When Complainant arrived at the Inn, nothing about his dog identified it as a service animal, so the Inn asked if his dog was a service animal. Complainant responded by pulling out a handheld recorder, asking "Why?" and stating that he did not need certification. Complainant became loud, attracting the attention of General Manager, and disturbing the Inn's other guests¹; General Manager asked Complainant to leave the property because he was acting inappropriately. The Inn welcomes service dogs.

3) The Investigator made the following findings of fact based on the documentation submitted by the parties:

- a) On November 8, 2014, Complainant went to the Inn with his service animal, a dog. When he arrived at the Inn, Complainant and General Manager discussed the legitimacy of Complainant's service animal and whether or not Complainant would be permitted to stay at the Inn.
- b) Complainant made a video recording ("Recording") of his interaction with the General Manager.
- c) In the Recording, the Inn conditioned Complainant's access to the Inn's rooms on production of proof Complainant's dog was a service animal. General Manager specifically stated, "We cannot rent you a room because you do not have license or registration." Complainant repeated back, "You cannot rent to me because I do not have a license or registration for my service dog?" General Manager responded, "Correct." The parties' recorded conduct was confrontational but controlled.
- d) Complainant did not stay at the Inn because he was refused access.
- e) After Complainant understood the Inn to be refusing him a room, Complainant called Corporate to express his concerns. Complainant provided a copy of a letter from Corporate commemorating his reporting of events on November 8, 2014.
- f) The Inn has a Pet Policy but does not have any written policy that includes rules or guidelines about service animals; the Pet Policy does not apply to service animals.

IV. Analysis:

- 1) The MHRA requires the Commission to "determine whether there are reasonable grounds to believe that unlawful discrimination has occurred." 5 M.R.S. § 4612(1)(B). The Commission interprets this standard to mean that there is at least an even chance of Complainant prevailing in a civil action.
- 2) The MHRA makes it unlawful: "[f]or any public accommodation or any person who is the owner, lessor, lessee, proprietor, operator, manager, [] or employee of any place of public accommodation to refuse to permit the use of a service animal or otherwise discriminate against an individual with a physical or mental disability who uses a service animal at the public accommodation unless it is shown by defense that the

¹ Complainant disputed this, saying that there was only one other guest behind him in line, with whom he did not interact.

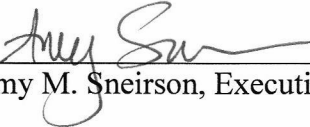
service animal poses a direct threat to the health or safety of others or the use of the service animal would result in substantial physical damage to the property of others who would substantially interfere with the reasonable enjoyment of the public accommodation by others.” 5 M.R.S. § 4592(8).

- 3) For public accommodations, the MHRA defines a service animal as “a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability....” 5 M.R.S. § 4553(9-E)(B).
- 4) A public accommodation may make two specific inquiries to determine whether an animal is a service animal: whether the animal is required because of a disability and what work or task the animal has been trained to perform. A public accommodation shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. These inquiries may not be made when it is readily apparent than an animal is trained to do work or perform tasks for an individual with a disability. Me. Hum. Rights Comm’n Reg. Ch 7, § 7.16(C)(6).
- 5) Here, Complainant has shown that the Inn discriminated against him in access to services because of Complainant’s use of a service animal. Reasoning as follows:
 - a) The Inn asked Complainant for documentation to prove his dog was a service animal, which is unlawful. In the Inn’s own submission, it stated that it tried to explain to Complainant that there was a difference between asking if a dog is a certified service animal and asking to see the service animal’s certificate. This is not supported in the Recording. In the Recording, the Inn conditioned Complainant’s stay on production of proof that his dog had been licensed or certified as a service animal. When Complainant clarified that failure to confirm some sort of licensure, certification, or registration was the reason for his refusal, the Inn confirmed. The fact that the Inn submitted a narrative that flatly contradicts the Recording detracts from Respondent’s credibility.²
 - b) Although the Inn stated that Complainant was asked to leave because he was causing a disturbance for other guests, the Recording does not portray the combative or heated event that the Inn described.
 - c) The Inn did not argue that Complainant’s assistance animal was a direct threat or a public safety concern, or would damage property or interfere with others’ enjoyment of the premises.
- 6) Discrimination on the basis of disability is found.

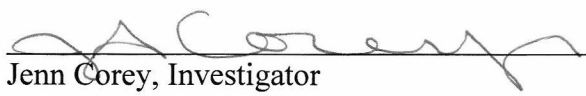
VI. Recommendation:

For the reasons stated above, it is recommended that the Commission issue the following finding:

There are **Reasonable Grounds** to believe that Ramada Inn discriminated against Sean LaPlante based on his disability, and the claim should be conciliated in accordance with 5 M.R.S. § 4612(3).



Amy M. Sneirson, Executive Director



Jenn Corey, Investigator

² In the Inn’s narrative, it claimed that Complainant “kept holding up his recording device and asking loudly ‘So you are asking me to leave because I have a service animal, right?’ [General Manager] again said no and asked him to turn off/put away the recorder and/or leave [sic].”