

1 TERRY GODDARD  
2 The Attorney General  
3 Firm No. 14000

4 Rose A. Daly-Rooney, No. 015690  
5 Assistant Attorney General  
6 Civil Rights Division  
7 400 W. Congress, Suite S-214  
8 Tucson, AZ 85701  
9 Telephone: (520) 628-6756  
10 CivilRights@azag.gov  
11 Attorneys for Plaintiff



12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

13 IN AND FOR THE COUNTY OF PIMA

14 THE STATE OF ARIZONA *ex rel.* TERRY  
15 GODDARD, the Attorney General; and THE  
16 CIVIL RIGHTS DIVISION OF THE ARIZONA  
17 DEPARTMENT OF LAW,

18 Plaintiff,

19 vs.

20 TUCSON RESIDENCE FOUNDATION, INC.,  
21 an Arizona corporation,

22 Defendant.

No. 02007 0612

COMPLAINT  
(Non-Classified Civil)

DEBORAH BERNINI

23  
24 Plaintiff, the State of Arizona *ex rel.* Terry Goddard, the Attorney General, and the  
25 Civil Rights Division of the Arizona Department of Law (collectively the "State"), for its  
26 Complaint, alleges as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**INTRODUCTION**

This is an action brought under the Arizona Civil Rights Act ("ACRA") to correct unlawful employment practices, to provide appropriate relief to the charging party, and to vindicate the public interest. Specifically, the State brings this matter to redress the injury sustained when the Defendant withdrew an offer of promotion to Lisa Parra because of her disability, in violation of the ACRA.

**JURISDICTION AND VENUE**

1. The Civil Rights Division of the Arizona Department of Law is an administrative agency established by A.R.S. § 41-1401 to enforce the provisions of the Arizona Civil Rights Act, A.R.S. § 41-1401 *et seq.*

2. The State brings this action on its own behalf and on behalf of Lisa Parra, the aggrieved person.

3. This Court has jurisdiction of this matter pursuant to A.R.S. § 41-1481(D).

4. Venue is proper in Pima County because Defendant operates its residential services for clients with disabilities in residential service sites in Tucson.

**PARTIES**

5. At all relevant times, Tucson Residence Foundation, Inc. ("TRF" or "Defendant") was a non-profit Arizona corporation providing long-term residential living services to people with developmental disabilities. Specifically, TRF is a service provider which contracts with the Arizona Department of Economic Security, Division of Developmental Disabilities ("DDD") to provide a variety of residential services to eligible clients.

6. At all relevant times, Russell Schlichting was the Executive Director of TRF.

7. At all relevant times, Sarah Elliott was a Program Director at TRF.

8. The State brings this action on its own behalf and on behalf of Lisa Parra, who is an aggrieved person within the meaning of A.R.S. § 41-1481.



1           16. At all relevant times, supervisors at TRF were responsible for overseeing the day-  
2 to-day operation of the assigned residential settings, such as hiring mentors, setting work  
3 schedules, performing staff evaluations, conducting staff training and acting as a liaison  
4 between TRF and the residents' DDD case managers and guardians.

5           17. Sarah Elliott decided that Lisa Parra was the most qualified candidate and offered  
6 the Supervisor position to her on or about October 7, 2005. Sarah Elliott informed Lisa Parra  
7 she was to assume her new position effective October 10, 2005.

8           18. Subsequently, Sarah Elliott informed Lisa Parra that TRF had withdrawn the  
9 promotion to a Supervisor because a resident's guardian had complained that she did not want a  
10 deaf employee to supervise her ward.

11           19. Lisa Parra requested a meeting with Russell Schlichting, TRF's Executive  
12 Director, about TRF's decision to withdraw the promotion.

13           20. On or about November 20, 2005 Lisa Parra met with Russell Schlichting about  
14 this adverse personnel action. During the meeting Mr. Schlichting confirmed that TRF  
15 withdrew Ms. Parra's promotion because at least one guardian had threatened to remove her  
16 ward from TRF's program if TRF permitted a person who was deaf to supervise her ward's  
17 residential service site.

18           21. During the November 20th meeting, Ms. Parra informed Mr. Schlichting she felt  
19 it was unfair to deny her the position because of a preference expressed by a parent. When  
20 TRF was unwilling to rescind its personnel decision, Ms. Parra made a request for TRF to trade  
21 assigned residential service sites between another supervisor who was not deaf and Ms. Parra.

22           22. Brenda Quinn, a non-deaf Supervisor recently hired by TRF, had been assigned to  
23 supervise Catalina and Pantano residential service sites. Ms. Parra proposed that Ms. Quinn  
24 supervise the Kimberly Woods 2 and Pantano residential service sites and Ms. Parra supervise  
25 the Haven and Catalina sites.

26 ///





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

H. Grant such other and further relief as this Court may deem just and proper in the public interest.

Dated this 6th day of February, 2007.

TERRY GODDARD  
Attorney General

By Rose A. Daly-Rooney  
Rose A. Daly-Rooney  
Assistant Attorney General  
Arizona Attorney General's Office  
Civil Rights Division  
Attorneys for Plaintiff

308565