

**The Michigan Civil Rights Commission
Cadillac Place
3054 W. Grand Blvd Ste 3-600
Detroit, MI 48202**

MICHIGAN DEPARTMENT OF
CIVIL RIGHTS, L. M., Claimant,
H.S. Claimant, and M. H.,
Claimant,

MDCR 636419,
MDCR 636781 and
MDCR 636783

v.

Studio 8 Hair Lab, LLC, Respondent

Alannah M. Buford-Kammerman (P81221)
Office of Legal Affairs
Michigan Department of Civil Rights
Capitol Tower Building
110 W Michigan Ave, Ste. 800
Lansing, MI 48933
517-335-3165
bufordkamermana@michigan.gov

CHARGE OF DISCRIMINATION

The complaints of Claimants, L. M. for MDCR 636419, H.S. for MDCR 636781, and M. H. for MDCR 636783, filed with the Michigan Department of Civil Rights alleging that Respondent, Studio 8 Hair Lab, LLC and its agents have unlawfully discriminated against the Claimants by publishing a statement that indicated that an individual's patronage of Respondent's place of public accommodation would be unwelcome because of an individual's sex (gender identity).

The Department, in accordance with its own rules and regulations, informed the Respondent of these allegations, investigated, and found sufficient grounds for the issuance of a charge. The Department endeavored unsuccessfully to conciliate the matter and now issues this charge.

JURISDICTION

1. That at all relevant times, Claimant L. M. is a female individual that resided in Michigan and was protected from unlawful discrimination under Michigan’s Elliott-Larsen Civil Rights Act (ELCRA). MCL 37.2101 *et. seq.*. See Exhibit 1, MDCR 636419 Certified Complaint.
2. That at all relevant times, Claimant H.S. is a non-binary individual that resided in Michigan and was protected from unlawful discrimination under ELCRA as well. See Exhibit 2, MDCR 636781 Certified Complaint.
3. That at all relevant times, Claimant M.H. is a non-binary individual that resided in Michigan and was protected from unlawful discrimination under ELCRA as well. See, Exhibit 3 MDCR 636783 Certified Complaint.
4. The Respondent, Studio 8 Hair Lab, LLC is a place of public accommodation operating in Michigan whose services, facilities, privileges, advantages, goods, or accommodations are extended, offered, or otherwise made available to the public in the State of Michigan pursuant to ELCRA. MCL 37. 2301(a). See Exhibit 4, Respondent’s Articles of Organization.
5. On July 7, 2023, Ms. Christine Geiger in her capacity as an agent and owner of Respondent published or caused to be published a statement that indicated an

individual would be denied the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and/or accommodations offered by Respondent because of an individual's sex (gender identity).

6. Claimant L. M. filed a timely certified complaint on July 20, 2023 with the Michigan Department of Civil Rights (MDCR), attached as Exhibit 1.
7. Claimant H.S. filed a timely certified complaint on September 8, 2023 with MDCR, attached as Exhibit 2.
8. Claimant M. H. filed a timely certified complaint with MDCR on July 28, 2023, attached as Exhibit 3.

STATEMENT OF FACTS

9. Respondent Studio 8 Hair Lab, LLC is a place of public accommodation located in Traverse City, Michigan. See Exhibit 4, Respondent's Articles of Organization.
10. Respondent admitted that it is a place of public accommodation in its Circuit Court Complaint filed in the Circuit Court for the County of Grand Traverse, *Studio 8 Hair Lab, LLC v City of Traverse City, et. al*, Case No. 23-36818-CB, at paragraphs 1, 99, and 155. See Exhibit 5 (hereinafter Respondent Circuit Court Complaint) .
11. Respondent admitted that "Studio 8 is subject to and must comply with the [EL]CRA." See Exhibit 5, Respondent Circuit Court Complaint at paragraph 190.
12. Ms. Christine Geiger is documented in the Respondent's Articles of Organization as the Resident Agent of Respondent. See Exhibit 4, Respondent's Articles of Organization.
13. Ms. Geiger is an owner of Respondent as well.

14. Ms. Geiger as the Resident Agent and Owner of Respondent has the authority to print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign for Respondent.
15. On July 7, 2023, as the owner and agent of Respondent, Ms. Geiger published or caused to be published the following statement to the “Studio 8 Hair Lab -Education and Beauty Supply” business Facebook page:



Exhibit 6, July 7, 2023, Facebook Post

16. Respondent admitted in its Circuit Court Complaint at paragraph 36 that

In July 2023, Studio 8 posted the following on line:

If a human identifies as anything other than a man/woman please seek services at a local pet groomer. You are not welcome at this salon.

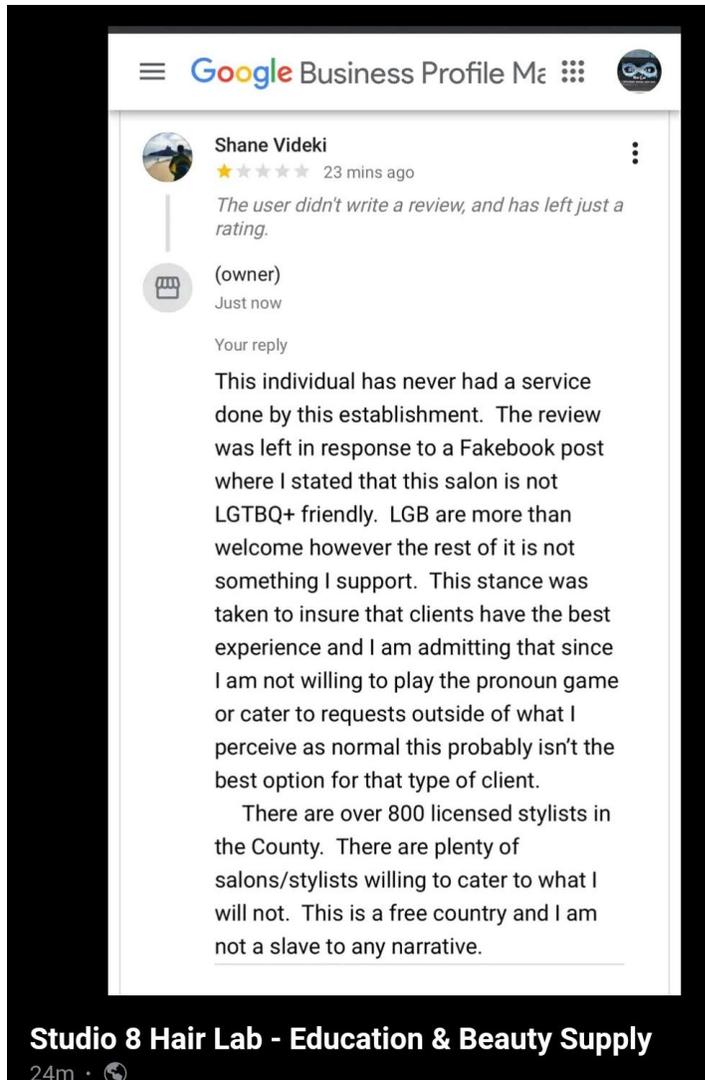
Period.

Should you request to have a particular pronoun used please note we may simply refer to you as “hey you”. Regardless of MI HB 4474. (kiss emoji) my A[**] Governor Witchmere (smile emoji))

This is America; free speech. This small business has the right to refuse services. We are not bound to any oaths as realtors are regarding discrimination. My recent airport experience validates this. (smile emoji)

See, Exhibit 5 at paragraph 36.

17. On or about July 7, 2023, Claimant L.M. viewed the July 7, 2023 post to Respondent’s business Facebook page via Facebook.
18. On or about July 7, 2023, Claimant H.S. viewed the July 7, 2023 post to Respondent’s business Facebook page via Facebook.
19. On or about July 7, 2023, Claimant M.H. viewed the July 7, 2023, post to Respondent’s business Facebook page via Facebook.
20. On or before July 9, 2023, Ms. Geiger acting as an agent and owner of Respondent made another post to Respondent’s business Facebook page explaining that the July 7, 2023 post was intended to communicate that Respondent would deny its goods, services, facilities, privileges, advantages, and/or accommodations to individuals based on sex (gender identity):



Attached as Exhibit 7.

21. On or about August 13, 2023, Respondent posted a photograph to its business Facebook page that stated “there are only two genders” and a captioned the photograph with the statement that “anything else is a mental health issue[,]” further evidencing that the July 7, 2023 post was intended to be a discriminatory statement, advertisement, notice, or sign.



Exhibit 8.

22. On or before August 18, 2023, Respondent posted the following meme to its business Facebook page and captioned the meme with the following statement: “there are 2 genders; anything more is a mental health issue[,]” further evidencing that the July 7, 2023 post was intended to be a discriminatory statement, advertisement, notice, or sign.



Studio 8 Hair Lab

1h · 🌐



The truth is the truth.
There are 2 genders; anything more is a mental health issue.



Attached as Exhibit 9.

23. ELCRA provides in section 37.2301 Definitions:

As used in this article: ... (a) "Place of public accommodation" means a business, or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

24. Respondent admitted at paragraph 7 of its Circuit Court Complaint that ELCRA further provides that "Michigan law makes it is unlawful for a Studio 8 Print, circulate, **post**, mail, or otherwise cause to be **published** a statement, advertisement, notice, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges,

advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because of religion, race, color, national origin, age, **sex**, or marital status, or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of religion, race, color, national origin, age, **sex**, or marital status.

Exhibit 5 at paragraph 7 citing ELCRA 37.2302(b)(emphasis in original); See also Exhibit 5 at paragraph 109.

25. Respondent further specifically admitted in Respondent's Circuit Court Complaint that **"Michigan law makes it unlawful for Studio 8** to print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because of religion, race, color, national origin, age, sex, or marital status, or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of religion, race, color, national origin, age, sex, or marital status."

Exhibit 5 at paragraph 7 (emphasis added).

COUNT 1
DISCRIMINATORY ADVERTISEMENT

- 26. Paragraphs 1 – 25 are incorporated in this count.
- 27. Claimant L.M. is a female individual. Exhibit 1.
- 28. Claimant H.S. is a non-binary individual. Exhibit 2.
- 29. Claimant M.H. is a non-binary individual. Exhibit 3.

30. Respondent is a Place of Public Accommodation as defined by MCL 37.2301(a). Exhibit 4; See also Exhibit 5 at paragraphs 1, 99, and 155.

31. The Respondent published or caused to be published the following statement to the “Studio 8 Hair Lab -Education and Beauty Supply” business Facebook page indicating that individuals would be unwelcome and denied services based on their protected class status of sex (gender identity) in violation of MCL 37.2302(b):

If a human identifies as anything other than a man/woman please seek services at a local pet groomer. You are not welcome at this salon. Period. Should you request to have a particular pronoun used Please note we may simply refer to you as hey you. . . . This small business has a right to refuse services. We are not bound to any oaths as relators are regarding discrimination.

Exhibit 5 at paragraph 36 and Exhibit 6.

32. The subsequent posts on July 9, 2023; August 13, 2023; and August 18, 2023, confirmed that Respondent intended to communicate that individuals would be considered unwelcome and denied goods, services, facilities, privileges, advantages, and/or accommodations based on their sex (gender identity). See Exhibits 7-9.

33. As a direct and proximate result of Respondent’s unlawful discrimination, Claimants L.M., H.S. and M.H. have suffered the loss of full and equal enjoyment of a public accommodation due to Respondent’s published statements.

REQUESTED RELIEF

Therefore, it is requested that an order be issued compelling:

1. The Respondent to pay monetary compensation to the Claimants together with interest for emotional distress and mental anguish which they sustained as a result of Respondent's unlawful discrimination.
2. Such further relief as the Commission seems just and proper, including but not limited to:
 - a. Payment of reasonable attorney and witness fees, if applicable;
 - b. Extension to all persons of the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the Respondent;
 - c. Requiring Respondent to post notices in a conspicuous place with civil rights law or other relevant information which the commission determines necessary to explain those laws;
 - d. Reporting as to the manner of compliance with ELCRA and;
 - e. Certification to the relevant licensing authorities with the Licensing and Regulatory Affairs (LARA) that Respondent's violation of ELCRA being grounds for suspension or revocation of Respondent's license(s).

Date: November __, 2023

/s/ Alannah M. Buford-Kammerman
Alannah M. Buford-Kammerman (P81221)
Staff Attorney, Office of Legal Affairs
Michigan Department of Civil Rights
Capitol Tower Building
110 W Michigan Ave, Ste. 800
Lansing, MI 48933
517-335-3165
bufordkammermana@michigan.gov

Date: November __, 2023

/s/ Bryant Osikowicz

Bryant Osikowicz (P72377)
Director of Office of Legal Affairs
Michigan Department of Civil Rights
Cadillac Place
3054 W Grand Blvd Ste 3-600
Detroit, MI 48202
313-456-3795
osikowiczb1@michigan.gov

Date: November __, 2023

/s/ Marcelina Trevino
Marcelina Trevino (P70511)
Director of Enforcement
Michigan Department of Civil Rights
Cadillac Place
3054 W Grand Blvd Ste 3-600
Detroit, MI 48202
313-456-3795
trevinom4@michigan.gov