

RECEIVED

JUL 20 2022

Michigan Office Of Administrative
Hearings and Rules

1. IN THE MATTER OF: Michigan Department of Civil Rights ex rel Melissa Mason v Grand Rapids Police Department			
2. CASE TYPE Rule 12 Hearing - Unequal Public Service - Race		3. AGENCY MDCR	
4. DIVISION Legal		5. BOARD Michigan Civil Rights Commission	
6. GEOGRAPHIC LOCATION OR FORMAT FOR HEARING Lansing or GR			
7. INITIATING AGENCY'S FILE NUMBER 610406		8. STATUTORY START DATE Within a reasonable time and according to the rules.	
9. STATUTE, RULE, OR REGULATION Elliott-Larsen Civil Rights Act 37.2301 and 2302.			
10. ISSUE Was Melissa Mason treated differently because of her race by GRPD when they handcuffed her and placed her in the back of a cruiser for having an expired operator's license?			
11. PREPARED BY Michael Pelot	PHONE NUMBER 517-284-7245	FAX NUMBER 517-241-3963	DATE PREPARED 7/20/2022
12. COMMENTS			
For MOAHR Use Only			
DATE RECEIVED	DATE COMPLETED	COMPLETED BY	
DOCKET NUMBER		ALJ ASSIGNED	
COMMENTS			

REQUEST FOR HEARING

13. CHECK ONE (X) <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Intervenor <input checked="" type="checkbox"/> Department <input type="checkbox"/> Petitioner's Attorney <input type="checkbox"/> Respondent's Attorney <input type="checkbox"/> Intervenor's Attorney <input type="checkbox"/> Other <input type="checkbox"/> Petitioner's Representative <input type="checkbox"/> Respondent's Representative <input type="checkbox"/> Intervenor's Representative				
14. NAME Michael J. Pelot				
15. FIRM MDCR				
16. ON BEHALF OF MDCR				
17. STREET ADDRESS/P.O. BOX 110 W Michigan Ave Ste 800				
18. CITY Lansing	19. STATE MI	20. ZIP CODE 48933	21. PHONE 517-284-7245	22. FAX 517-241-3963
23. EMAIL ADDRESS pelotm@michigan.gov			May documents be served to this party/representative via email only?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

24. CHECK ONE (X) <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Intervenor <input type="checkbox"/> Department <input type="checkbox"/> Petitioner's Attorney <input checked="" type="checkbox"/> Respondent's Attorney <input type="checkbox"/> Intervenor's Attorney <input type="checkbox"/> Other <input type="checkbox"/> Petitioner's Representative <input type="checkbox"/> Respondent's Representative <input type="checkbox"/> Intervenor's Representative				
25. NAME Tony Koenig				
26. FIRM City of Grand Rapids Law Department				
27. ON BEHALF OF Grand Rapids Police Department				
28. STREET ADDRESS/P.O. BOX 300 Monroe Ave NW Ste 620				
29. CITY Grand Rapids	30. STATE MI	31. ZIP CODE 49503	32. PHONE 616-456-4029	33. FAX
34. EMAIL ADDRESS tkoenig@grcity.us			May documents be served to this party/representative via email only?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

35. CHECK ONE (X) <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Intervenor <input type="checkbox"/> Department <input type="checkbox"/> Petitioner's Attorney <input type="checkbox"/> Respondent's Attorney <input type="checkbox"/> Intervenor's Attorney <input type="checkbox"/> Other <input type="checkbox"/> Petitioner's Representative <input type="checkbox"/> Respondent's Representative <input type="checkbox"/> Intervenor's Representative				
36. NAME				
37. FIRM				
38. ON BEHALF OF				
39. STREET ADDRESS/P.O. BOX				
40. CITY	41. STATE	42. ZIP CODE	43. PHONE	44. FAX
45. EMAIL ADDRESS			May documents be served to this party/representative via email only?	Yes <input type="checkbox"/> No <input type="checkbox"/>

REQUEST FOR HEARING

Instructions to Complete Form

Page 1 of Request for Hearing

1. List Petitioner v. Respondent with the proper names and titles.
2. The type of action involved in this hearing, e.g. Disciplinary, Denial of License, Summary Suspension.
3. State agency name.
4. Division within the initiating agency.
5. Board (i.e. Pharmacy, Chiropractic); if no Board put N/A
6. State requested geographical location or format for the hearing, e.g. Lansing, Detroit, telephone, videoconference.
7. The number given to this case by the initiating or reporting agency.
8. Mandatory time frames or deadlines pertaining to the hearing process of this case.
9. Identify statute, act, code, and/or provision of law used, e.g. MCL 333.1101 *et seq.*
10. A brief statement of the question(s) to be decided at the hearing.
11. Name of person who filled out the Request for Hearing form and contact information.
12. Comments specific to scheduling, such as conflict dates.

Page 2 of Request for Hearing (sections 13-45)

Mark the corresponding box that designates the party's affiliation to the case (i.e. Petitioner, Department, Petitioner's Attorney, etc.)

List all the parties who should receive documentation from MOAHR (i.e. Notice of Hearing and follow up documents such as an Order for Adjournment or Order for Continuance, etc.) include physical and email address. If the agency has confirmed that a party/representative may be served with documents by email only, please check "Yes".

If your department is listed as the Petitioner or Respondent, you may also use the box labeled "Department" to include personnel who are to receive ongoing documentation in the case.

If your department is neither the Petitioner nor Respondent, use the box labeled "Department" to include personnel who are to receive ongoing documentation in the case.

Use the "Other" box to include non-departmental individuals who do not fit the other criteria above, but who are to receive ongoing documentation in the case.

Parties with the same name but multiple addresses shall be listed separately.

If you need to add more parties than tables provided, please copy page 2 and add additional parties.

Notice: Please be sure to submit to MOAHR a copy of the Administrative Complaint, Formal Complaint or other charging document; a copy of the Answer (if any); and/or Appeal document along with the completed Request for Hearing form (RFH).

Submit the completed RFH form and supporting documents by I.D. mail or delivery to MOAHR GA, 611 W. Ottawa 2nd Floor, P.O. Box 30695, Lansing MI 48909 or email MOAHR-General-Adjudication-Scheduling@michigan.gov

Questions: Please contact Katie Nelson at nelsonk19@michigan.gov Tel. (517) 335-2484

THE MICHIGAN CIVIL RIGHTS COMMISSION
Cadillac Place
3054 W Grand Blvd Ste 3-600
Detroit MI 48202

MICHIGAN DEPARTMENT OF CIVIL RIGHTS,
Ex. Rel., Melissa Mason,
Claimant,

Case No: 610406

V

Grand Rapids Police Department,
Respondent.

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CHARGE OF DISCRIMINATION

The complaint of Claimant, Melissa Mason, filed with the Michigan Department of Civil Rights, alleges that respondent, Grand Rapids Police Department, its agents, servants, and employees have unlawfully discriminated against the

Claimant by treating her unequally based on her Race thereby depriving her of the full and equal enjoyment of civil rights guaranteed by the constitution and laws of the State of Michigan and the United States.

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 times pertinent, the Claimant, an African American individual, was a resident of Grand Rapids, Michigan, and protected from unlawful discrimination under the Michigan's Elliott-Larsen Civil Rights Act (ELCRA), Public Act 453.
2. The Respondent is a law enforcement agency operating in Michigan whose services, facilities, privileges, advantages, or accommodations are extended, offered, or otherwise made available to the public in the State of Michigan pursuant to Michigan's Elliott-Larsen Civil Rights Act (ELCRA), Public Act 453.
3. The Claimant had an encounter with the Respondent on January 25, 2020.
4. Claimant filed a complaint with the Michigan Department of Civil Rights on June 10, 2020.

STATEMENT OF FACTS

5. On January 25, 2020, Claimant, an African American individual, was driving a Chevy Impala traveling northbound on Eastern Ave SE, Grand Rapids, MI turned on to Hall Street and was then stopped by Respondent, Grand Rapids Police Department (GRPD), for an alleged violation of Michigan Vehicle Code Section 257.255 - Expired Registration Plate.
6. GRPD Officer Vanden Berg explained the reason for the traffic stop and requested claimant's driver's license, registration, and insurance.
7. Claimant acknowledged that her plate had expired and that she planned to renew it Monday. Claimant fully complied with the officer's requests and supplied her driver's license, registration, and insurance.
8. Two other police vehicles arrived at the scene with two officers in each vehicle.
9. Claimant was wearing a shirt that said, "Black Lives Matter," which was visible to Officer Vanden Berg and the other officers. Claimant also stated to the officers, "Black Lives Matter."
10. The other officers were also near Claimant's vehicle, and Officer Michael Tagliavia had his hand on his gun even though Claimant was compliant with all of Officer Vanden Berg's requests.
11. Officer Vanden Berg found that Claimant's driver's license and registration were expired.

12. Officer Vanden Berg asked Claimant to exit her vehicle, she was then handcuffed and placed in the back seat of the police cruiser.
13. Claimant asked if she was being arrested, to which Officer Vanden Berg responded that he did not say she was going to jail.
14. Claimant was arrested in Officer Vanden Berg's vehicle for twenty (20) minutes even though she was not under arrest.
15. Officer Vanden Berg stated to Claimant when she was in the cruiser, "Well, since you stopped running your mouth, we'll let you go."
16. Officer Vanden Berg then issued Claimant a citation for driving with an expired driver's license, a misdemeanor, and an expired registration, a civil infraction.
17. ELCRA provides in section **37.2301 Definitions:**

As used in this article: ...(b) "Public service" means a public facility, department, agency, board, or commission, owned, operated, or managed by or on behalf of the state, a political subdivision, or an agency thereof or a tax exempt private agency established to provide service to the public, except that public service does not include a state or county correctional facility with respect to actions and decisions regarding an individual serving a sentence of imprisonment 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.

18. ELCRA further provides in section **37.2302 Public accommodations or services:**
prohibited practices:

Except where permitted by law, a person shall not: (a) Deny an individual the full and equal enjoyment of the goods, services,

facilities, privileges, advantages, or accommodations of a place of public accommodation or public service because of religion, race, color, national origin, age, sex, or marital status.

COUNT 1

UNEQUAL SERVICE

19. The previous paragraphs are incorporated in this count.
20. The Claimant is an African American individual and Race is a protected class that is covered by the ELCRA.
21. Claimant was driving on Hall Street in Grand Rapids, Michigan, with three children as passengers when she was stopped for expired registration plate.
22. The Officers asked Claimant to step out of the vehicle, handcuffed her, placed her in the back seat of a police cruiser and was arrested for about twenty (20) minutes.
23. Respondent was unable to show similarly situated persons of another Race were treated the same as Claimant.
24. Respondent did not provide a legitimate reason for the unequal service provided to Claimant.
25. Claimant has shown that the legitimate reason given by the Respondent that Claimant was noncompliant is pretext for Race discrimination.
26. A 2017 GRPD Traffic Stop Data Analysis Report for the City of Grand Rapids by John Lamberth and Jerry Clayton found a statistical difference in the rate of Black motorists subjected to search compared to a lower rate for White motorists, despite

no increase in contraband found per search. The report recommended increased reporting of data for future analysis to determine race-based animus or bias often present as unconscious and implicit bias and seemingly automatic and reflexive use of force that manifests systemic and individually motivated discrimination.

27. Claimant was denied the full and equal enjoyment of the services of a public service because of her Race.

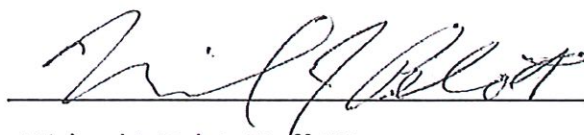
PRAYER FOR RELIEF

THEREFORE, IT IS REQUESTED THAT AN ORDER BE ISSUED COMPELLING:

- A. The Respondent pay monetary compensation to the Claimant together with interest for humiliation, extreme embarrassment, emotional distress, and mental anguish which she sustained as a result of respondent's unlawful discrimination.
- B. Such further relief as the Commission seems just, equitable and proper, including reasonable attorney fees.

Date:

7/30/2022



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Date:

7/20/22



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