



# OHIO CIVIL RIGHTS COMMISSION

Governor Mike DeWine

Commissioners: Lori Barreras, Chair | Juan Cespedes | William Patmon, III | Dr. Carolyn Peters | Madhu Singh  
Executive Director G. Michael Payton

June 27, 2019

Loronz Gray  
17805 Lakeshore Blvd., Apt. 105  
Cleveland, Ohio 44119

United Prepaid Wireless, LLC dba Boost Mobile  
16122 Lakeshore Blvd.  
Cleveland, Ohio 44110

## LETTER OF DETERMINATION

Loronz Gray v. United Prepaid Wireless, LLC dba Boost Mobile  
CLEG4(45115)02152019; 22A-2019-01347F

### FINDINGS OF FACT:

Charging Party filed a charge of discrimination with the Ohio Civil Rights Commission alleging Respondent engaged in an unlawful discriminatory practice. All jurisdictional requirements for filing a charge have been met.

After receiving the charge, the Commission conducted an investigation into Charging Party's allegation against Respondent. During the investigation, the Commission considered relevant documents and testimony. The information gathered does support a recommendation that Respondent unlawfully discriminated against Charging Party.

Charging Party stated that he went to the Respondent's facility on February 14, 2019 and purchased a cell phone charger from a salesperson named Hilal B. Charging Party alleged when he checked his sales receipt it said, "sold to Real Ni\*\*a", which was offensive to Charging Party.

Respondent stated that it employed Hilal Binabri ("Binabri") from approximately September 8, 2018 until April 20, 2019. Respondent states that it installed a new point of sale system at the time that required Binabri to create an account using his person phone number for all practice instructions while training on the system. Respondent states that sometime after the initial training, Binabri changed the name under the account to read "Real Ni\*\*a", which was done without its knowledge or consent.

Respondent states that Binabri alleges at the time of the transaction he made a sale to a woman who wished to purchase a cell phone charger. Binabri used the training account because the woman did not have one and he did not believe creating an account was necessary since she was only purchasing a charger. Respondent states that the receipt provided to the woman had the training account name created by Binabri and Charging Party was not the customer nor was his account information provided at the time. Charging Party disputes Respondent's version of events stating that he purchased the charger and no woman was present at the time. Moreover, Charging Party stated he had account with Respondent at the time of the purchase.

Respondent stated Charging Party does not allege discrimination against him or others in the sale of the cellular accessory and admits the transaction was completed. According to Respondent, Charging Party alleged the sales receipt had offensive language on it ("Real Ni\*\*a") after the completion of the transaction. Respondent contends that as derogatory as the language is, the name on the receipt was used to represent Binabri and not Charging Party or the person being sold the accessory. Respondent contends Binabri did not deny or restrict Charging Party or the woman from making a purchase, and the transaction was completed as admitted in the charge form.

Respondent stated it sincerely and deeply regrets what occurred and apologized to Charging Party, but Respondent contends that the actions occurred without its knowledge or consent, and since the purchase in question was completed, it cannot be said that a violation of the statute occurred.

While Respondent may have had no knowledge of the incident and did not give its consent for such action, this does not allow the Respondent to escape liability. Respondent is liable for the actions of its agents acting within the scope of their employment. In the instant case, Respondent does not dispute its employee had made an authorized sale when the receipt with the discriminatory comment was generated. Therefore, the employee acted within the scope of his employment when the discriminatory act occurred and created liability for the Respondent. Respondent failed to show it took any action to correct the behavior or prevent it from occurring in the future.

Specifically, the Commission found that the receipt cited by the Charging Party, containing the offensive language, was generated by an employee of Respondent acting within the scope of his employment. The Commission also found that the terms and conditions of Charging Party's access to the Respondent's place of public accommodation was altered by this discriminatory act and he was denied "full enjoyment" of the facilities or services in a manner that was connected to race.

**DECISION:**

The Ohio Civil Rights Commission determines it is **PROBABLE** that Respondent has engaged in an unlawful discriminatory practice in violation of Ohio Revised Code Chapter 4112. Therefore, the Commission hereby orders that this matter be scheduled for **CONCILIATION**.

**NOTICE OF RIGHT TO REQUEST RECONSIDERATION:**

Pursuant to Ohio Administrative Code § 4112-3-04, you have the right to request reconsideration of this determination of the Commission. The application must be in writing and state specifically the grounds upon which it is based. If you wish to appear before the Commissioners to present oral arguments supporting your request, you must specifically make a request to appear in writing.

This request must be sent to the Compliance Department, Ohio Civil Rights Commission, 30 East Broad Street, 5<sup>th</sup> Floor, Columbus, Ohio 43215. You must submit the request for reconsideration, along with all additional evidence or supporting documentation, within **TEN (10) days** of the date of mailing of this notice. Any application for reconsideration or additional materials received by the Compliance Department in the Commission's Columbus Central Office after the ten-day period has expired will be deemed untimely filed. Extensions of this ten-day filing period are not permitted.

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FOR THE COMMISSION,



Vera F. Boggs

Regional Director

vera.boggs@civ.ohio.gov

cc: Representative for Charging Party:

Patrick Haney

The Chandra Law Firm LLC

1265 W. 6<sup>th</sup> Street, Suite 400

Cleveland, Ohio 44113

Representative for Respondent:

Ali A. Mustsfa, Esq.

21300 Lorain Road

Fairview Park, Ohio 44126