

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

Case No.: 0068011717

DIANE LANGKIL,

Charging Party,

-v-

TOWN AND COUNTRY LOUNGE,
INC.,

Respondent.

**FINAL AGENCY DECISION
AND ORDER AFFIRMING
HEARINGS BUREAU DECISION**

Diane Langkil (Langkil) filed a complaint with the Department of Labor and Industry asserting unlawful retaliation against her by Town and Country Lounge, Inc. (Town and Country). The Hearings Bureau (Bureau) held a contested case hearing pursuant to § 49-2-505, MCA. Following the hearing, the Bureau issued a decision that determined Town and Country's actions did constitute retaliation against Langkil. Town and Country filed an appeal with the Montana Human Rights Commission (Commission). The Commission considered the matter on November 14, 2007. T.K. Botsford appeared and argued on behalf of Town and Country. Stacey Weldele-Wade appeared and argued on behalf of Langkil.

Town and Country argued that the hearing officer's findings of fact were clearly erroneous and that the corresponding conclusions of law were in error. Town and Country asserted the hearing officer did not rely on credible or competent evidence. Town and Country also argued that the Commission should hold that based on its review of the

record, the Commission was convinced the hearing officer misapprehended the effect of the evidence and was therefore clearly erroneous.

Langkil asserted the hearing officer's decision was correct.

After careful and due consideration, the Commission concludes the Bureau's decision in this matter is supported by competent substantial evidence and the conclusions of law are correct. The Commission **affirms** the Bureau's decision and hereby adopts and incorporates the decision in its entirety.

A person who has exhausted all administrative remedies available within an agency and who is aggrieved by a final agency decision in a contested case is entitled to file a petition for judicial review within 30 days after service of the final agency decision. Mont. Code Ann. § 2-4-702. The petition must be filed in the district where the petitioner resides or has the petitioner's principal place of business, or where the agency maintains its principal office.

DATED this ____ day of November, 2007.

Ryan Rusche, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail; postage prepaid, on November ____, 2007.

T K BOTSFORD
ATTORNEY AT LAW
PO BOX 8213
MISSOULA MT 59807

STACEY WELDELE-WADE
ANTONIOLI AND WADE PC
PO BOX 6018
MISSOULA MT 59806-6018

Montana Human Rights Bureau