

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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KATHY DENKE, )  
Charging Party, ) CASE NO. 0009009180  
)  
v. )  
) **ORDER AFFIRMING FINAL**  
) **AGENCY DECISION**  
MAURICE SHOEMAKER, )  
COUNCILPERSON FOR THE CITY OF )  
THOMPSON FALLS AND THE )  
CITY OF THOMPSON FALLS, )  
Respondents. )

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The above-captioned matter came before the Montana Human Rights Commission (Commission) on March 21, 2002, for consideration of Charging Party’s appeal from the Final Agency Decision issued on November 16, 2001. Appearing before the Commission were Ann Moderie, attorney for Charging Party, Wally Congdon, attorney for Respondent City of Thompson Falls, and Edward Murphy, attorney for Respondent Shoemaker.

After consideration of the entire record and the oral arguments of all parties, the Commission agrees with the Hearing Examiner’s conclusion that Respondent City of Thompson Falls did not illegally retaliate against Charging Party in her employment because of a previous sexual harassment claim she filed against the mayor of Thompson Falls. The Commission also agrees with the Hearing Examiner’s conclusion that Respondent Shoemaker did illegally retaliate against Charging Party for filing the earlier sexual harassment claim when he made statements in two letters that she cost the City unnecessary expense and that she colluded with her alleged harasser to obtain money improperly in the settlement of the sexual harassment case. The Commission agrees with the Hearing Examiner’s conclusion that the City was not responsible for Shoemaker’s statements made in the letters. The Hearing Examiner properly dismissed Charging Party’s claims against Respondent City of Thompson Falls, and properly granted judgment in favor of Charging Party as against Respondent Shoemaker.

A party may appeal from this order by filing a petition for judicial review with the district court no later than thirty (30) days from the service of this order pursuant to § 2-4-701, et. seq., MCA.

IT IS HEREBY ORDERED that Charging Party’s appeal of the Final Agency Decision is DENIED and the Final Agency Decision is AFFIRMED in its entirety.

Dated this \_\_\_\_\_ day of April, 2002.

\_\_\_\_\_  
Gary Hindoien, Chair,  
Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned employee of the Human Rights Bureau certifies that a true copy of the foregoing **ORDER AFFIRMING FINAL AGENCY DECISION** was served on the following persons by U. S. Mail, postage prepaid on the \_\_\_\_\_ day of April, 2002.

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