

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

DENNIS PILOLA,
Charging Party/Appellant,

HRB CASE NO. 0121015350

-v-

FINAL AGENCY DECISION

GLACIER BANK,
Respondent/Appellee.

Charging Party, Dennis Piilola, filed a complaint with the Department of Labor and Industry (Department), which alleged unlawful discrimination in financial and credit transactions on the basis of religion. Following an informal investigation, the Department determined that a preponderance of the evidence supported Piilola's allegations. The case went before the Hearings Bureau of the Department of Labor and Industry, which held a contested case hearing, pursuant to § 49-2-505, MCA. The hearings officer issued a Decision on February 19, 2013.

The hearings noted that Montana law provides that discrimination in public accommodations may lawfully occur when "based on reasonable grounds. *Section 49-2-304, MCA*. In this case, the essential facts were not in dispute: Glacier Bank refused to open a bank account for Dennis Piilola because Piilola refused to provide the Bank with a social security number for himself. However, the USA PATRIOT Act requires all U.S. citizens to provide a social security number in order to open a bank account in the U.S. Therefore, the hearing officer granted a motion for summary judgment to Glacier Bank and dismissed Piilola's complaint.

Dennis Piilola filed an appeal with the Montana Human Rights Commission (Commission). The Commission considered the matter on June 14, 2013. Dennis Piilola appeared and presented oral argument on his own behalf. Dale Cockrell, attorney, appeared and presented oral argument on behalf of Glacier Bank.

STANDARD OF REVIEW

The Commission may reject or modify the conclusions of law and interpretations of administrative rules in the hearing officer's decision but may not reject or modify the findings of fact unless the Commission first reviews the complete record and states with particularity in the order that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. *Admin. Rules of Mont. 24.9.123(4)*. A factual finding is clearly erroneous if it is not supported by substantial evidence in the record, if the fact-finder misapprehended the effect of the evidence, or if a review of the record leaves the Commission with a definite and firm conviction that a mistake has been made. *Denke v. Shoemaker*, 2008 MT 418, ¶ 39, 347 Mont. 322, ¶ 39, 198 P.3rd 284, ¶ 39. The Commission reviews conclusions of law to determine whether the hearing officer's interpretation and application of the law is correct. *See, Denke*, 39.

DISCUSSION

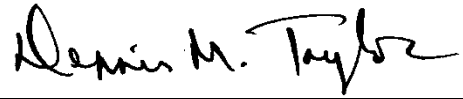
After careful consideration of the complete record and the argument presented by the parties, the Commission determines that the hearing officer's findings of fact were supported by substantial evidence in the record and are not clearly erroneous. The Commission further determines that the hearing officer's conclusions of law were correct and that summary judgment was granted appropriately.

ORDER

IT IS HEREBY ORDERED, that the appeal of Piilola is DENIED.

Either party may petition the district court for judicial review of the Final Agency Decision. *Sections 2-4-702 and 49-2-505, MCA*. This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA*.

DATED this 17th day of June, 2013.

A handwritten signature in black ink that reads "Dennis M. Taylor". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Dennis M. Taylor, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 17th day of June, 2013.

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Annah Smith, Legal Secretary
Montana Human Rights Bureau