

II Start Transaction 61301 1 <1>
 IT B&M C:GAR 0.89 1 <1>
 AM AMT TENDERED 0.95 1 <1>
 TT Amount Due:\$ 0.95 1 <1>
 CH Change \$ 0.00 1 <1>

Shopping While Black?

FOUR LIBERIAN WOMEN ACCUSED OF SHOPLIFTING AT GUESS? SAY THEY WERE TARGETED BECAUSE OF THEIR SKIN COLOR

BY JONATHAN KAMINSKY

Upon arriving at the sprawling Albertville outlet mall on a balmy morning in April, Albertha Thomas had two objectives, she says. Accompanied by her two sisters and her cousin, she was looking for presents to bring along on a visit to her native Liberia, which she'd fled during its brutal civil war. And flush from her latest paycheck as a nurse's assistant, Thomas says, she wasn't opposed to spoiling herself a little, too.

After scoring shoes at Nike and buying a stack of shirts at the Gap, Thomas and her fellow dark-skinned shopping companions, all in their late 20s and early 30s, were lured by a promising sale at Guess?. They picked out T-shirts, passing them around to see who they looked best on, and were waiting to try on some capri pants in the fitting rooms when the foursome was met by Sara Manion, the chic and slender blond-haired manager of the store.

Manion asked the women to follow her to the back room. Waiting for them there was Wright County Sheriff's Deputy Aaron Myren, a husky man in a beige uniform.

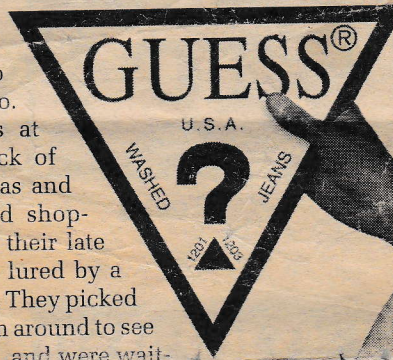
Manion and her employees, having endured a spate of recent shoplifting, were

for our money."

The deputy asked Thomas to put her money away and told the women they were free to go, according to his report. But they didn't leave without telling Manion that they felt certain they'd been racially profiled, and this wouldn't be the end of it.

After getting home, they consulted the

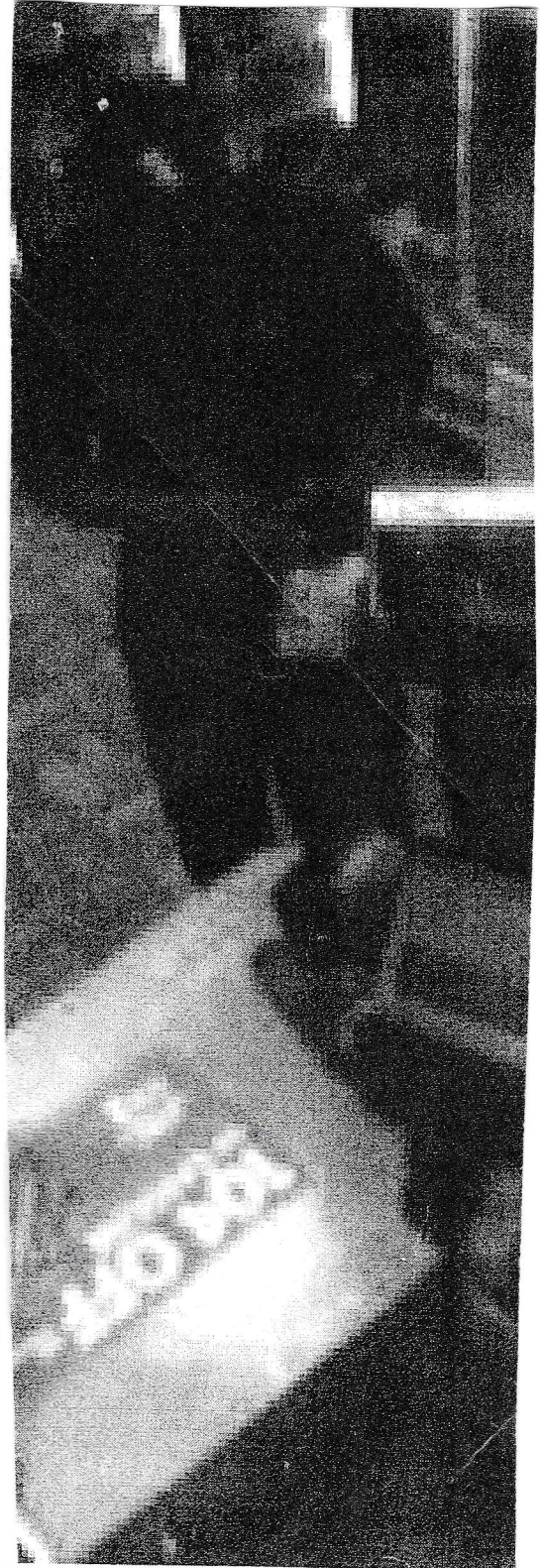
yellow pages for a lawyer. The first one they called was David Wilson, a Minneapolis immigration attorney. Wilson saw the case as fit.



The long, white arm of the law

ting a pattern. In 2005, after Macy's was accused by then-New York Attorney General Eliot Spitzer of racial profiling, it agreed to

overhaul security at its stores and offered



Search Mail Search Web

Hi, Kevin

CONTACTS CALENDAR example New Message forrest Move Spam Actions

Compose
Box (721)
Drafts (81)
Sent
Spam (815)
Trash
FOLDERS
APPLICATIONS

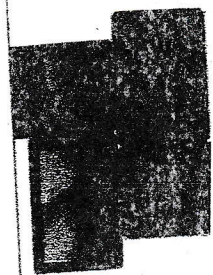
forrest

Actor Forest Whitaker's morning deli run turned into an embarrassing, racially tinged incident on Friday. Because he's a celebrity but also just like us, Whitaker dropped by Morningside Heights' Milano Market for a pre-work cup of yogurt. Not finding what he needed, he was headed for the store's exit when an employee accused him of "taking something" and insisted on a pat-down. Unsurprisingly, they didn't find any pilfered Smart Water or mini-Toblerones. Upon realizing that he had just needlessly frisked an innocent person/Oscar winner, the Milano worker blamed his accusation on the "bad angle" of the store's security cameras and offered Whitaker free food to make up for the trouble. He also asked Whitaker not to call the cops, which he worried would result in the loss of his job. While Whitaker was nice enough to oblige the request, his publicist says that he was definitely "troubled" by the whole thing. "This was an upsetting incident given the fact that Forest did nothing more than walk into the deli," she told the New York Daily News. "Forest asked that, in the future, the store change their behavior and treat the public in a fair and just manner."

Actor Forest Whitaker gets stopped and frisked leaving Morningside Heights deli [NYDN]
Forest Whitaker claims he was falsely accused of shoplifting, frisked at Manhattan deli [NYP]

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CHARGE OF DISCRIMINATION

Department of Human Rights
Sibley Square at Mears Park
190 5th St E, Suite 700
Saint Paul, MN 55101
651/296-5663
Toll-Free 1-800/657-3704
TTY 651/296-1283

DEPARTMENT OF HUMAN RIGHTS USE ONLY

Case Number: 52188

Acknowledged by: [Signature]

Date Filed: _____ Date Docketed: AUG 18 2008

AUG 15 2008

Any person claiming to have been discriminated against because of race, color, creed, religion, national origin, sex, sexual orientation, marital status, disability, age, public assistance status or familial status, as provided for in Chapter 363A of the Minnesota Statutes in the areas of employment, real property, public accommodations, public services, education, credit or business contracts may file a charge within one year after the alleged discriminatory act with the Minnesota Department of Human Rights at the above address.

1. CHARGING PARTY

Kevin Phillips
7700 Penn Avenue South #224
Richfield, MN 55423

2. RESPONDENT

Speedway Super America
539 South Main Street
Findlay, OH 45840-3295

3. The discrimination was because of:

Race

4. The discrimination was in the area of:

Public Accommodations

5. Describe the discriminatory act, setting forth in statutory language the violation of Minnesota Statutes, Section 363A:

I am a black male who patronized the above-named Respondent's convenience store on August 15, 2007. I visited the store located at 7720 Nicollet Avenue South, Richfield, MN 55423.

On August 15, 2007 at approximately 8:50 p.m., I visited the Respondent's store in order to buy Tylenol. I had recently had surgery on my ankle and needed a pain reliever. When I was at the store, I did not find the Tylenol, but I purchased some other items and then exited the store. Moments after I left the store, one of the Respondent's clerks grabbed my right shoulder and forced me to the ground. During my fall to the ground, my injured ankle buckled. The clerk then told me, "Come with me because you are going to jail." When I asked why, he said, "Because you are a thief." Another clerk then approached and said, "Empty your pockets. I know how you black guys from Chicago are." I then emptied my pockets, at which time the clerks were shown that I had not stolen anything from the store.

I believe that my race was a factor in the Respondent's actions. I visited the Respondent's store in order to make a small purchase. Immediately after I exited the store, the Respondent's clerks grabbed me and forced me to the ground and causing my injured ankle to buckle. I was accused of theft and told, "I know how you black guys from Chicago are." I had not stolen anything from the Respondent, and I had displayed no behaviors to raise any legitimate suspicion about my activities.

I therefore allege that the above-named Respondent has discriminated against me in the area of public accommodations on the basis of race in violation of Minnesota Statutes, Section 363A.11 Subd. 1.

SMF0808

Subscribed and sworn to before me this

Day of Aug 2008



Notary Public

I swear or affirm that I have read this charge and that it is true to the best of my knowledge, information, and belief. I understand that the data contained on this form may be made public.



(Signature of Charging Party)



3

Denise L. Wilson
Paralegal



Marathon Petroleum Company LLC

539 South Main Street
Findlay, Ohio 45840-3295
Telephone 419/421-2143
Fax 419/427-4165
E-mail: DLWilson@MarathonOil.com

September 17, 2008

00 SEP 19 11:10:13

VIA OVERNIGHT MAIL

Case Support
Minnesota Department of Human Rights
190 E. 5th St., Suite 700
St. Paul, Minnesota 55101

Re: Kevin J. Phillips
MDHR No.: 52188

Dear Sir or Madam:

The referenced Charge of Discrimination has been forwarded to me for consideration and reply. Please find below our response and position statement.

INTRODUCTION

In his Charge, Mr. Phillips alleges that he was denied public accommodation and discriminated against on the basis of his race (African-American) at Speedway SuperAmerica LLC's¹ (hereinafter "SSA" or "Company") Store #4188 in Richfield, MN. SSA denies these allegations and states that all decisions affecting his visit to our store were made for legitimate and nondiscriminatory business reasons. Accordingly, and based on the following facts and response, we respectfully request that this matter be dismissed with a finding of "no probable cause."

FACTS

SSA is a retail operation engaged in the sale of gasoline and convenience-type items. Located in the Midwest, we are committed to achieving "the highest ethical standard in the industry" and demand nothing less from our employees. (Exhibit A - Section of the New Associate Handbook regarding Ethical Conduct & Anti-Harassment) Simply put, we are first and foremost in the business of treating our customers with respect and satisfying their needs in accordance with the highest principles possible. We do not condone nor will we accept any discriminatory actions to occur within our stores.

¹ Speedway SuperAmerica LLC is a wholly owned subsidiary of Marathon Petroleum Company LLC.

know how you black guys from Chicago are." However, due to the lengthy lapse in time between the alleged visit and Mr. Phillips' filing his Charge, no one at SSA has any specific recollection of this alleged incident, nor can we confirm whether or not he was even in the store on the particular date in question. (Exhibit G – Statement of Zeharyas Doni, Customer Service Representative on duty at the time of the alleged incident,² addressed to Lisa Lay, Attorney, dated September 3, 2008 and Exhibit H – Statement of Store Manager, Darren Allen, addressed to Lisa Lay, Attorney, dated September 4, 2008) In fact, Mr. Phillips' Speedy Reward Transaction Activity for the months of June 2007 through November 2007, while showing multiple transactions, some even occurring at Store No. 4188, show none were made on August 15, 2007. (Exhibit I – Speedy Reward Transaction Activity for Mr. Phillips for June 2007 – November 2007) The only information SSA does have, seems to indicate Mr. Phillips did not even make a purchase on the date in question.

Further, if in fact Mr. Phillips had experienced what he alleges, SSA would have expected to have received a complaint at that time, however, SSA has searched its Customer Service complaints database and found no record of a complaint regarding allegations such as these, nor did it find any complaints logged against the two employees on duty at the time. (Exhibit J – Customer Service Claims Detail from August 2007 – August 2008) Additionally, SSA spoke with the Region Manager³ and District Manager of Store No. 4188 and neither had any knowledge or were ever made aware of any such incident, prior to receiving Mr. Phillips' Charge of Discrimination.

Even assuming he was in the store on that day, Mr. Phillips has provided absolutely no facts to support his claim. All he does offer is an approximate time of 8:50 p.m. for his alleged visit. SSA's documents reveal however, that during the 50 minute span of 8:31 p.m. to 9:21 p.m. on August 15, 2007, Matthew Thomas and Mr. Doni⁴ were both running cash registers – neither with significant gaps as to allow them both to be outside of the store during this alleged confrontation with Mr. Phillips. (Exhibit L – excerpts from the Electronic Journal for store no. 4188 for August 15, 2007)

Therefore, SSA respectfully requests that the Charge of Discrimination be dismissed with a determination of no probable cause. Thank you for your time and all considerations afforded. Please feel free to contact me should you have any questions.

Respectfully submitted,



Denise L. Wilson

Enclosures

² Mathew Thomas, the other employee on duty at the time of the alleged incident, is no longer employed with SSA.

³ SSA stores are grouped into the following territorial classifications: District, Region, and Division—with a District being the smallest grouping of stores and a Division being the largest.

⁴ SSA's records reveal that two employees were on duty at the time of Mr. Phillips' alleged incident. Zeharyas Doni (a current employee) and Matthew Thomas (a former employee). (Exhibit K – Time Statement List for Matthew Thomas and Zeharyas Doni for August 15, 2007)