

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☐ EEOC
New Mexico Dept of Workforce Solutions, Human Rights Bureau

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Jordan McDowell

Home Phone (Incl. Area Code)

Date of Birth

Street Address

City, State and ZIP Code

**c/o Leon Howard
ACLU-NM
1410 Coal Ave SW
Albuquerque, NM 87104**

and

**Richard Rosenstock
1121 Paseo de Peralta
Santa Fe, NM 87501**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Allsup's Convenience Store #336

No. Employees, Members

Unknown

Phone No. (Include Area Code)

(505) 989-7689

Street Address

City, State and ZIP Code

**650 Cerrillos Rd.
Santa Fe, NM 87505**

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

8/03/18**8/03/18**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

Statement of Harm:

I was discriminated against due to my race when an Allsup's convenience store employee called the police and requested that the police remove me from the store because I am black.

Respondent's reason for Adverse Action:

The employee requested that the police remove me from the store because of the color of my skin.

Statement of Discrimination: Mr. McDowell was discriminated against because of his race and color in violation of NMSA § 28-1-7(F), 42 U.S.C.A. § 1981 and 42 USCA § 2000a.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

11/21/18

Date

Jm.

Charging Party Signature

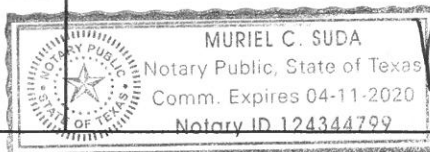
NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Jm.

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE **11-21-18**
(month, day, year)



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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Mr. McDowell is a pre-med student at Xavier University in New Orleans, Louisiana and was visiting Santa Fe and Northern New Mexico in connection to a class trip. Mr. McDowell was staying at a hotel nearby Allsup's Convenience Store, located at 650 Cerrillos Rd., Santa Fe, NM 87501 (Allsup's).

On August 3, 2018, at approximately 8:00 p.m., Mr. McDowell went into the Allsup's store to purchase snacks. Allsup's had three employees working in the store so far as Mr. McDowell could tell. Mr. McDowell purchased "Sour Patch Kids" and before exiting the store decided he wanted some other snacks before going back to his hotel. So, Mr. McDowell began perusing other items in the store. While continuing to look at items in the store one of the employees told Mr. McDowell that he looked "suspicious and sneaky". Mr. McDowell questioned the employee's remarks, and nevertheless continued to scan items. Mr. McDowell then noticed the employee appeared to be on the phone with 911, so Mr. McDowell started to record the employee with his cell phone. The employee called 911 and explicitly stated that she wanted Mr. McDowell removed from the store because he was "arrogant and Black". The law enforcement CAD report related to the situation indicates it was communicated over the dispatch that, "There is a kid at the store that is Black and she wants him to be removed."

Law enforcement eventually came to the Allsup's and questioned Mr. McDowell outside of the store. Mr. McDowell was able to leave the Allsup's after telling law enforcement his version of events.

To date, no representative of Allsup's has offered an apology to Mr. McDowell and he has not been offered any sort of recourse for the discrimination he endured. The lack of response to this incident allow the sentiment to exist that Allsup's condones the racist behavior exhibited by its employee.

Allsup's is a public accommodation within the meaning of the New Mexico Human Rights Act and Mr. McDowell was subjected to discrimination based on his race and color while attempting to purchase goods from this public accommodation. The conduct at issue impeded and burdened his ability to exercise his right to contract free of race discrimination.

Statute: Mr. McDowell was discriminated against because of his race and color in violation of NMSA § 28-1-7(F), 42 U.S.C.A. § 1981 and 42 USCA § 2000a.

This Charge is submitted to comply with any exhaustion requirements deemed a necessary precondition to civil litigation.

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I declare under penalty of perjury that the above is true and correct.

11/21/18

Date

Jm

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