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7 Attorney for Plaintiffs

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF ARIZONA**

10 **Rene Mendoza,**
11 **a single man,**

Case #

12
13
14 **Lani Salazar,**
15 **a married woman,**

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

16
17 **Lionel Salazar,**
18 **a married man,**

19 Plaintiffs,

20 v.

21 **Rio Rico Medical & Fire District,**

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23 **Albert Ibarra,**
24 **a married man,**

25 **Carmen Ibarra**
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a married woman,

Al Flores,
a married man,

Beatrice Flores,
a married woman,

Defendants.

Plaintiffs Rene Mendoza (“Mendoza”), Lani Salazar (“ Mrs. Salazar”) and Lionel Salazar (“Mr. Salazar”) by and through Elizabeth D. Tate, their undersigned attorney of record, submits this Complaint and Demand for Jury Trial pursuant to Federal Rules of Civil Procedure, Rules 7(a)1, 8(a & d), 15(a), and 38(a & b).

1. Parties, Claims, and Jurisdiction

1. The Plaintiff, Rene Mendoza is and has been always material to this Complaint, a single, adult, male, resident of Pima County, Arizona and former fire fighter at Rio Rico Medical & Fire District.

2. The Plaintiff, Lani Salazar, is and has been always material to this Complaint, a married, adult, female, resident of Pima County, Arizona and former fire fighter Captain at Rio Rico Medical & Fire District.

1 3. The Plaintiff, Lionel Salazar, is and has been always material to the
2 Complaint, an adult, male, resident of Pima County, Arizona married to
3 Plaintiff, Lani Salazar, for the last 21 years.

4 4. Defendant Rio Rico Medical & Fire District. (“RRMFD”) has been
5 always material to this Complaint:

6 (A) A governmental entity engaged in interstate commerce employing
7 approximately 34 persons, providing fire protection, medical rescue services,
8 public education and fire protection to the residents of Santa Cruz County,
9 Arizona;

10 (B) The employer of Mendoza and Salazar as that term is used and as
11 defined by 42 U.S.C. §2000e (b), 29 U.S.C. §2611(4) and 42 U.S.C. 12111(5)

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13 5. Defendants Albert Ibarra, “ Mr. Ibarra” and Carmen Ibarra are husband
14 and wife; and that Defendant, Mr. Ibarra, acted pursuant to and on behalf of
15 the marital community. Mr. Ibarra is a Captain at RRMFD and was the
16 supervisor of Mendoza.

17 6. Defendants Al Flores, “Mr. Flores” and Beatrice Flores are husband and
18 wife; and that Defendant, Mr. Flores, acted pursuant to and on behalf of the
19 marital community. Mr. Flores is former Fire Chief of RRMFD and was
20 responsible for all aspects of the operations of RRMFD at the times relevant
21 to this Complaint.

22 7. Mendoza and the Salazar’s seek relief against the Defendants herein
23 on their claims arising under federal statutes and state law as follows:

24 Count One: Sex Discrimination in violation of Title VII, 42 U.S.C.
25 §2000e – Hostile Work Environment.

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1 Count Two: Retaliation in violation of Title VII, 42 U.S.C. §2000e for
2 having reported sex discrimination.

3 Count Three: Common Law Battery

4 Count Four: Common Law Assault

5 Count Five: Intentional Infliction of Emotional Distress

6 Count Six: Loss of Consortium

7 8. Based upon the foregoing, this Court is the proper venue is proper
8 pursuant to 28 U.S.C. 1692(b).

9 **2. Additional fact allegations supporting claims**

10 9. RRFMD hired Mendoza as a firefighter in January of 2016. Mendoza
11 began working his position in April of 2016. On November 7, 2017, Mendoza
12 went to RRMD's Fire Station Number 2 with Captain Cluff to bring Mr. Ibarra
13 a fire truck to be used probationary training. Around 11:00 a.m. as Mendoza
14 stood by a metal storage box at a break area, Mr. Ibarra saw Mendoza and
15 for no reason, suddenly struck Mendoza in the testicles with a flexible antenna
16 from a radio. Mr. Ibarra intentionally engaged in an act that resulted in
17 harmful, offensive and outrageous conduct of hitting Mendoza in the testicles
18 which was atrocious and utterly intolerable by society and went beyond all
19 bounds of decency. Ibarra placed Mendoza in imminent apprehension of
20 Ibarra striking him. Mendoza did not consent to being struck by Mr. Ibarra and
21 the conduct was unwelcome.

22 10. Ibarra engaged in extreme and outrageous conduct against Mendoza that
23 caused Mendoza severe emotional distress. Ibarra disregarded the near
24 certainty that Mendoza would be emotionally distressed by being struck in the
25 testicles with a flexible antenna from a radio.

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1 11. RRMFD hired Mrs. Salazar on December 11, 2006. Mrs. Salazar began
2 as a firefighter emergency technician" EMT". RRMFD promoted Mrs. Salazar
3 to Captain in July of 2016.

4 12. Mr. Flores supervised Mrs. Salazar, first as battalion chief and later as
5 fire chief. Mr. Flores began sexually harassing Salazar when Mr. Flores
6 served as battalion chief. When RRMFD promoted Mrs. Salazar to Captain
7 in 2017, Mr. Flores informed Mrs. Salazar of her promotion and kissed Mrs.
8 Salazar on her mouth. Mrs. Salazar did not want to be kissed. Shocked by
9 Flores' outrageous act, Salazar asked Mr. Flores why he would do such a
10 thing. Mr. Flores apologized and claimed that he kissed her because he was
11 excited for her promotion. Mrs. Salazar did not consent to Mr. Flores' conduct
12 and the conduct was unwelcome.

13 13. Despite Flores, insincere apology for kissing her, Flores continued to
14 sexually harass Mrs. Salazar, cornering her in hallways and trying to kiss her.
15 From September 24, 2017 to October 4, 2017, Flores progressed in sexually
16 harassing Mrs. Salazar to the point where he repeatedly raped Mrs. Salazar
17 when she was alone at the fire station spending the night for her shift.

18 14. On September 24, 2017, Mr. Flores waited until all crew members were
19 out on call and came into Mrs. Salazar's bedroom at the fire station.
20 uninvited. Startled, Mrs. Salazar asked Mr. Flores what he was doing in her
21 room. Mr. Flores told Mrs. Salazar that he, "just wanted a kiss". Mr. Flores
22 then proceeded to rape Mrs. Salazar. Mrs. Salazar fought Mr. Flores but Mr.
23 Flores was still able to penetrate her. After Mr. Flores finished, he told Mrs.
24 Salazar that he loved her and that eventually she would give in to him. Mrs.
25 Salazar did not tell anyone that Flores raped her because Flores was fire chief
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1 and she feared for her job. Mrs. Salazar had reported firefighter Alex Green
2 for sexual harassment of another firefighter in the past but RRMFD did nothing
3 about it. Mrs. Salazar hoped Flores would leave her alone.

4 15. During the weeks between Thanksgiving and Christmas of 2017, Mr.
5 Flores grabbed Mrs. Salazar by the arm and forced her into the fire station
6 gym. Mr. Flores then raped Mrs. Salazar on a gym bench. Mrs. Salazar did
7 not tell anyone at work how Mr. Flores raped her. Mrs. Salazar only told Mr.
8 Salazar how Mr. Flores had been raping her.

9 16. Mr. Flores intentionally engaged in sexually forcing himself on Mrs.
10 Salazar that resulted in harmful, offensive contact with Mrs. Salazar. Mr.
11 Flores placed Mrs. Salazar in imminent apprehension of being sexually
12 abused and assaulted when he raped her.

13 17. Mr. Flores engaged in extreme and outrageous conduct by intentionally and
14 recklessly disregarding the near certainty that Mrs. Salazar would suffer
15 severe emotional distress from being sexually abused and assaulted. Mr.
16 Flores' acts of sexually abusing and raping Mrs. Salazar were atrocious and
17 utterly intolerable by society and went beyond all bounds of decency.

18 18. On January 4, 2018, Mr. and Mrs. Salazar sought help from an attorney.
19 Mrs. Salazar then informed Brad Beach and Dean Davis, RRFMD Board
20 Members, that Mr. Flores had been raping Mrs. Salazar but Beach and Davis
21 did not respond. Mr. and Mrs. Salazar also reported Mr. Flores raping her to
22 the Phoenix police for fear that Santa Cruz Sheriff would not help her who turned
23 the investigation of Mr. Flores' conduct over to the Santa Cruz Sheriff
24 anyway.

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1 19. The next day, Mrs. Salazar sought treatment from her doctor who
2 medically released Mrs. Salazar from work to inform RRMFD that Mrs.
3 Salazar could not return to work until RRMFD abated the sexually hostile work
4 environment at RRMFD.

5 20. The Santa Cruz Sheriff's Deputy Hector Puerta conducted a flawed
6 investigation of Mrs. Salazar's rape allegations. Deputy Puerta provided Mr.
7 Flores' attorney with every detail of Mrs. Salazar's allegations and permitted
8 Mr. Flores' attorney to respond to Mrs. Salazar's reports of rape without ever
9 requiring Mr. Flores to come in for questioning. Deputy Puerta refused to
10 press charges and turned the results of his flawed investigation to the Santa
11 Cruz County Prosecutor. The Santa Cruz County Prosecutor also refused to
12 press charges against Mr. Flores claiming Mrs. Salazar consented to the
13 rapes.

14 21. RRMFD placed Mr. Flores and Mrs. Salazar on paid administrative leave.
15 RRMFD then appointed Adam Amezaga as acting fire chief to fill in for Mr.
16 Flores. RRMFD selection of Amezaga to fill in Mr. Flores distressed Mrs.
17 Salazar Amezaga even further because Amezaga sexually harassed Mrs.
18 Salazar in 2007, telling her, "Mama, show me some tit. You know sex sells"
19 and repeatedly giving Mrs. Salazar unwanted bear hugs. RRMFD demoted
20 Amezaga for the comments and hugs but later reinstated Amezaga to his
21 original position proceed to promote Amezaga.

22 22. On January 8, 2018, while serving as acting fire chief, Amezaga
23 retaliated against Mrs. Salazar while she was on paid administrative leave by
24 blocking her work email so Mrs. Salazar would not know what was going on
25 at RRMFD in her absence. Amezaga also tried to force Mrs. Salazar to use
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1 FMLA to cover her absence to declare Mrs. Salazar unfit to serve because
2 Mrs. Salazar engaged in the protected activity of reporting sex discrimination.
3 Chief Amazage knew that Mrs. Salazar had engaged in protected activity.

4 23. On January 18, 2018, Mrs. Salazar reported another incident of sexual
5 harassment that occurred in September of 2017 where a firefighter, Ramon
6 Levayas called Mrs. Salazar at home to inform her that he had a sexual dream
7 about her. Mr. Salazar confronted Levayas about his comment to Mrs.
8 Salazar. When Mrs. Salazar arrived at work, Levayas repeated the dream in
9 the presence of their co-workers to further humiliate Mrs. Salazar.

10 24. RRMFD maintained a hostile work environment that was severe and
11 pervasive enough to alter the conditions of Mendoza and Mrs. Salazar's work
12 environment and was abusive. In 2016, Levayas circulated pornographic
13 pictures to Mendoza and the other male firefighters. Levayas referred to
14 Mendoza as "punani" which is slang for vagina in Hawaiian. Levayas also
15 repeatedly referred to Mendoza as his "bitch" in January and February of
16 2018. In 2016, Captain Alex Green exposed himself to Mendoza, telling
17 Mendoza, "Oh. Was that inappropriate?" Mendoza complained which
18 amounted to protected activity but was laughed at and told to shut up. The
19 hostile environment continued.

20 25. In May of 2017, Mr. Flores, who was fire chief at the time, retaliated
21 against Mendoza by continuing Mendoza's probation. Mr. Flores knew that
22 Mendoza protested sex discrimination. On May 31, 2017, Mr. Ibarra
23 downgraded Mendoza in his performance review stating the Mendoza
24 needed to "improve his attitude toward others" because Mendoza did not
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1 welcome the sexually hostile work environment at RRMFD. Mr. Ibarra knew
2 that Mendoza protested sex discrimination.

3 26. On May 15, 2018, during Mrs. Salazar's paid administrative leave, Acting
4 Fire Chief Amezaga issued Mrs. Salazar a Notice of Intent to Dismiss based
5 on false allegations of misconduct. Mrs. Salazar refuted to RRMFD's false
6 allegations but Amezaga fired Mrs. Salazar anyway.

7 27. RRMFD is vicariously liable for the intentional misconduct of its
8 employees. Mr. Ibarra and Mr. Flores used apparent authority to accomplish
9 their wrongful acts are responsible for Mr. Ibarra's and Mr. Flores' actions
10 because Mr. Ibarra and Mr. Flores committed the acts during the scope of
11 their employment. RRMFD had constructive knowledge of Mr. Ibarra's and
12 Mr. Flores acts because RRMFD had investigated sexual harassment before
13 at RRMFD but took no meaningful action to eradicate the sexually hostile
14 environment at RRMF

15 28. The acts committed against Mrs. Salazar resulted in severe emotional
16 injury to Mrs. Salazar and operated to deprive Mr. Salazar of companionship,
17 comfort, love, affection, protection, support and services that he shared with
18 Mrs. Salazar, his wife of 21 years. Mrs. Salazar bore the burden of being
19 raped by Mr. Flores for months that affected her relationship with Mr.
20 Salazar. After Mrs. Salazar went to her husband for help, Mr. Salazar
21 suffered the injury of knowing that Mr. Flores had been sexually abusing and
22 assaulting his wife.

23 29. RRMFD, in contravention of Title VII, permitted a hostile work
24 environment and retaliated against Mendoza and Mrs. Salazar that
25 culminated in Mendoza's and Mrs. Salazar's firings.

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1 30. Mendoza and Mrs. Salazar filed charges of discrimination with the
2 United States Equal Employment Opportunity Commission, "EEOC", under
3 charges numbers 35A-2018-00415 and 35A-2018-00415C respectively and
4 concerning sex discrimination and retaliation in their employment as
5 described above. Mendoza and Salazar received their notices of right to sue
6 on September 18, 2018 and August 24, 2018 respectively See Attached
7 Exhibits 1, 2, 3, 4, 5 and 6, charges of discrimination, notices of right to sue
8 and notices of claim.

9 **3. Demand for Trial by Jury**

10 Mendoza, Mrs. Salazar and Mr. Salazar demand a trial by jury on their
11 claims pursuant to the U.S. Constitution Seventh Amendment and FRCP
12 Rule 38.

14 **4. Relief Requested**

15 **Count One: Title VII hostile work environment as to Mendoza and Mrs.** 16 **Salazar only and against Defendant RRMFD**

- 17 1. Compensatory and punitive damages
- 18 2. Injunctive relief including back pay and front pay
- 19 3. Reasonable attorneys' fees
- 20 4. Taxable costs

22 **Count Two: Retaliation in violation of Title VII as to Mendoza and Mrs.** 23 **Salazar only and against Defendant RRMFD**

- 24 1. Compensatory and punitive damages
 - 25 2. Injunctive relief including back pay and front pay
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- 2. Reasonable attorneys' fees
- 3. Taxable costs

Count Three: Common Law Battery as to Mendoza and Mrs. Salazar only
and against all Defendants.

- 1. General tort damages
- 2. Punitive damages
- 3. Taxable costs pursuant to FRCP Rule 54(d) 1, LRCiv 54.1 and
28 U.S.C. 1920

Count Four: Common Law Assault as to Mendoza and Mrs. Salazar only
and against all Defendants.

- 1. General tort damages
- 2. Punitive damages
- 3. Taxable costs pursuant to FRCP Rule 54(d) 1, LRCiv 54.1 and
28 U.S.C. 1920

Count Five: Intentional Infliction of Emotional Distress as to Mendoza and
Mrs. Salazar only and against all Defendants.

- 1. General tort damages
- 2. Punitive damages
- 3. Taxable costs pursuant to FRCP Rule 54(d) 1, LRCiv 54.1 and
28 U.S.C. 1920

CHARGE OF DISCRIMINATION Page 1 of 2

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY
 FEPA
 EEOC

CHARGE NUMBER

TCRD-2018-0194
35A 2018-00415C

Arizona Attorney General's Office, Civil Rights Division and EEOC

State or Local Agency, if any

RECEIVED

MAY 30 2018

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

Rene Mendoza

HOME TELEPHONE NO. (Include Area Code)

520-809-5702

STREET ADDRESS

6611 South Paisano Ave.

CIVIL RIGHTS DIVISION
TUCSON OFFICE

DATE OF BIRTH

10/26/1973

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICE SHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME. (If more than one, list below.)

NAME

Rico Rico Medical and Fire District

NUMBER OF EMPLOYEES/MEMBERS
50

TELEPHONE NUMBER (Include Area Code)

520-281-8421

STREET ADDRESS

822 Pendelton Dr. Rio Rico, AZ 85648

CITY, STATE AND ZIP CODE

COUNTY

Santa Cruz

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE COLOR SEX RELIGION NATIONAL ORIGIN AGE
 X retaliation DISABILITY GENETIC TEST RESULTS OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
EARLIEST (ADEA/EPA) LATEST (ALL)

CONTINUING ACTION

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

I. PERSONAL HARM:

I was subject to a hostile work environment and fired for having opposed sex discrimination.

II. RESPONDENTS REASON FOR ADVERSE ACTION: Respondent claimed that two captains determined that I did not satisfactorily complete my probationary period.

III. DISCRIMINATION STATEMENT:

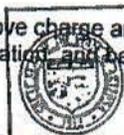
- A. I was hired as a firefighter by Respondent in January of 2016. I began my position in April of 2016.
- B. On November 7, 2017, I went to Station 2 with Captain Cluff to bring Captain Ibarra a fire truck for probationary training. Around 11 a.m., I stood by a metal storage box where firefighters would customarily smoke when Captain Ibarra saw me and struck me in the testicles with a flexible antenna from a radio.
- C. During the Minerva fire on August 4, 2017, Captain Sheldon hit me in the testicles with a metal flask.

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 telephone number and I will cooperate fully with them in the processing of my complaint in accordance with their procedures.

Signature of Complainant and Date:

5/30/18

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.



ELIZABETH D. TATE
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Commission Expires
July 28, 2019

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, Day, Year)

5-30-18 [Signature]

CHARGE OF DISCRIMINATION, PAGE 2 OF 2

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY
 FEPA
EEOC

CHARGE NUMBER
TURD-2018-0194
35A-2018-00415C

Arizona Attorney General's Office, Civil Rights Division and EEOC

CASE NAME:

- D. During my employment, employees created a hostile work environment by circulating pornographic pictures and hitting me. Ramon Levyas called me Punani which means vagina in Hawaiian and would call me his bitch. The last time he called me these names was in January and February of 2018.
- E. In 2016, Captain Alex Green exposed himself to me stating, "Oh. Was that inappropriate?" I complained of Captain Sheldon in an email to Captain Cluff.
- F. On May 11, 2017, former Fire Chief extended my probation.
- G. On May 31, 2017, Captain Ibarra retaliated against, down grading me in my performance stating that I need to improve my attitude toward others when I did not participate in the sexually harassing environment.
- H. I believe and therefore allege that Respondent discriminated against me, subjected to a hostile work environment and retaliated against because of my sex in violation of Title VII.

RECEIVED

MAY 30 2018

CIVIL RIGHTS DIVISION
TUCSON OFFICE

AMENDED CHARGE OF DISCRIMINATION

Page 1 of 2

AGENCY
 FEPA
 EEOC

CHARGE NUMBER
 TCRD-2018-0048
 846-2018-08506

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

Arizona Attorney General's Office, Civil Rights Division and EEOC

State or Local Agency, if any

Name (Indicate Mr., Ms., Mrs.)
 Lani Salazar

HOME TELEPHONE NO. (Include Area Code)
 520-334-7820

STREET ADDRESS
 4675 W. Nebraska Street

CITY, STATE AND ZIP CODE
 Tucson, AZ 85757

DATE OF BIRTH
 06/22/1973

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME. (If more than one, list below.)

NAME
 Rio Rico Medical and Fire District

NUMBER OF EMPLOYEES/MEMBERS
 C

TELEPHONE NUMBER (Include Area Code)
 520-281-8194

STREET ADDRESS
 822 South Pendleton Drive

CITY, STATE AND ZIP CODE
 Rio Rico, Arizona 85648

COUNTY
 Santa Cruz

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))
 RACE COLOR SEX RELIGION NATIONAL ORIGIN AGE
 RETALIATION DISABILITY GENETIC TEST RESULTS OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
 EARLIEST (ADEA/EPA) LATEST (ALL)
 01/08/2018
 CONTINUING ACTION

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

- I. PERSONAL HARM:** A. Respondent has subjected me to a sexually hostile and intimidating work environment. B. Respondent has subjected me to different terms and conditions of employment and a hostile and intimidating work environment.
- II. RESPONDENTS REASON FOR ADVERSE ACTION:** A.-B. None Given
- III. DISCRIMINATION STATEMENT:** I believe Respondent has discriminated against me because of my sex, female, and because I opposed a practice made unlawful under the Arizona Civil Rights Act, as amended, and Title VII of the Civil Rights Act of 1964, as amended. The particulars are:
- A.** On or about December 11, 2006, I began my employment with Respondent as a Firefighter Emergency Medical Technician (EMT) and most recently, I have worked as a Captain Firefighter EMT. Respondent's Chief, Al Flores, is my supervisor. Respondent promoted Flores to Fire Chief from Battalion Chief on or about September 29, 2017.
- B.** Beginning on July 1, 2016, and on a continued basis, Flores has subjected me to sexual harassment. He would corner me in the hallway and try to kiss me and hug me. Between September 24, 2017 and October 4, 2017; Flores waited until all the crew members were gone from the firehouse where I am required to spend the night to come into my room uninvited. He told me he just wanted a kiss and then

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 telephone number and I will cooperate fully with them in the processing of my complaint in accordance with their procedures.

Signature of Complainant and Date:

X

[Signature] 3-6-18

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.

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (Month, Day, Year)



ELIZABETH D. TATE
 NOTARY PUBLIC - ARIZONA
 MARICOPA COUNTY
 My Commission Expires

[Signature] 3-6-18

Arizona Attorney General's Office, Civil Rights Division and EEOC

CASE NAME: Ms. Lani Salazar v. Rio Rico Medical and Fire District

proceeded to rape me. I fought Chief Flores but he was able to penetrate me. He asked me not to fight him but I still fought him. After Flores finished, he pulled me close and told me that he loved me and that eventually I would give in to him. I did not tell anyone what had happened because Flores is Chief and the second in command was Adam Amezaga, who had been demoted in 2007 for sexually harassing me. I hoped that Flores would leave me alone.

- C. During the weeks between Thanksgiving and Christmas of 2017, Flores grabbed me by the arm while I was at work and forced me into the gym at Respondent's Fire station. He forced me to have sex with him on top of a bench. I still did not tell anyone what had happened. I hoped he would leave me alone but this time I told my husband what Flores had been subjecting me to.
- D. On January 4, 2018, I informed Respondent's Board Member, Brad Beach by phone and email, through my attorney, that Flores had been raping me but Beach did not respond. On January 4, 2018, I also informed Respondent's Board Member, Dean Davis, by phone and through my attorney, that Flores had been raping me but Davis did not respond.
- E. In or around January, 2018, I gave Respondent a doctor's note stating that I could not return to work until the harassing environment was alleviated and I requested to be placed on paid administrative leave.
- F. On January 8, 2018, Respondent's Interim Chief Amezaga retaliated against me by blocking my work email. Additionally, Amezaga and Respondent's HR Associate, Marcela Ceballos declared me unfit to serve and requested that I use FMLA to cover my absence instead of addressing Respondent's sexually harassing environment.
- G. On January 18, 2018, I reported another incident of sexual harassment by Ramon Leyvas, which occurred in around September, 2017.
- H. I believe and therefore allege that but for my sex, female, Respondent would not have subjected me to a sexually hostile and intimidating work environment. I believe and further allege that but for my sex, female, and but for having engaged in protected conduct, Respondent would not subject me to different terms and conditions of employment and a hostile and intimidating work environment.

CC 6826485

RECEIVED

FEB 05 2018

CIVIL RIGHTS SECTION
TUCSON OFFICE

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Rene Mendoza**
6611 South Paisano Avenue #3
Tucson, AZ 85746

From: **Phoenix District Office**
3300 North Central Ave
Suite 690
Phoenix, AZ 85012

*On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

35A-2018-00415

Patricia A. Miner,
Supervisory Investigator

(602) 640-5036

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

More than 180 days have passed since the filing of this charge.

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

The EEOC is terminating its processing of this charge.

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

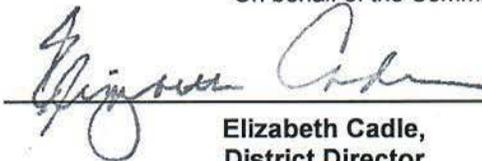
The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


Elizabeth Cadle,
District Director

SEP 17 2018

(Date Mailed)

Enclosures(s)

cc: **RIO RICO MEDICAL & FIRE DISTRICT**
C/O Donna M. Aversa, Esq.
LEONARD & FELKER
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MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
CIVIL LITIGATION DIVISION
DIVISION OF CIVIL RIGHTS SECTION

REBEKAH BROWDER
ANGELINA NGUYEN
CHIEF COUNSEL

Dismissal Notice

To: • Lani Salazar
c/o Elizabeth D. Tate, Esq.
2953 North 48th Street
Phoenix, AZ 85018

• Rio Rico Medical Center
c/o Donna Aversa, Esq.
7400 North Road #2
Tucson, AZ 85701

Re: Lani Salazar v. Rio Rico Medical Center
CRD No.: TCRD-2018-0048
EEOC No.: 846-2018-08503

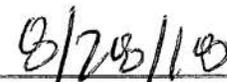
The Division of Civil Rights Section is closing its file on this charge.

Notice of Right to Sue requested by Charging Party.

On behalf of the Division,



Rebekah Browder, Chief Counsel



(Date)



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
CIVIL LITIGATION DIVISION
DIVISION OF CIVIL RIGHTS SECTION

REBEKAH BROWDER
ANGELINA NGUYEN
CHIEF COUNSEL

NOTICE OF RIGHT TO SUE

Ms. Lani Salazar

v.

Rio Rico Medical and Fire District

CRD No.: TCRD-2018-0048

EEOC No.: 846-2018-08503

On February 05, 2018, you filed a charge with the Division of Civil Rights Section alleging employment discrimination. Arizona law provides that you may bring a civil action in Superior Court of the county where the alleged discriminatory action took place. Should you decide to file a civil action, you must do so **within 90 days** of the date you receive this Notice or **within one year** of the date you filed the charge, **whichever comes first**, A.R.S. § 41-1481(D.)

This Notice of Right to Sue letter is being issued because:

Charging Party has submitted a written request

If you have any questions concerning this notice, please contact us at (520) 628-6500 or toll free at 1-877-491-5740. If you need legal assistance, you should seek the advice of an attorney.

BY:

Patricia G. Bianchi, Compliance Manager

Sent by regular mail this 23rd day of August, 2018

cc: Donna M Aversa Esq (Respondent's Attorney)