

SUPERIOR COURT
Washington Unit

STATE OF VERMONT

CIVIL DIVISION
Docket No. 544-9-13 WnCy

VERMONT HUMAN RIGHTS
COMMISSION,

Plaintiff

v.

ORANGE COUNTY, VERMONT
SHERIFF'S DEPARTMENT and BILL
BOHNYAK, in his official capacity, as
Sheriff of Orange County

Defendants

SETTLEMENT AGREEMENT

Pursuant to 9 V.S.A. §4554(e), conciliation and settlement efforts between the Vermont Human Rights Commission (VHRC), Bentley Morgan and the Defendants have proved successful, and the parties have agreed to the following terms of settlement in lieu of further litigation regarding the events underlying this complaint. The fact of this settlement shall not be construed as an admission of liability or wrongdoing. Defendants specifically dispute liability on the claims raised in this matter.

TERMS

- 1) Defendant Bohnyak shall provide the VHRC's executive director with a copy of the OCSD Anti-bias policy by December 31, 2013 and give the VHRC an opportunity to suggest any needed improvements;
- 2) On October 24, 2013, Defendant Bohnyak disseminated the Anti-bias policy to OCSD officers and between November 8 and November 13, all deputies indicated through their signatures that they received and read the Anti-bias policy.
- 3) On November 12, 2013, TJ Anderson from the Vermont Police Academy provided a three-hour training to the OCSD officers entitled "Fair and Impartial Policing." The training instructed the deputies on the Anti-Bias Policy and taught how implicit bias may play a role in decision-making in the field. The Sheriff shall provide the VHRC with a list of deputies who received the training(s), a list of any deputies who did not receive the training and a copy of the agenda and/or curricula by December 31, 2013.
- 4) Defendant Bohnyak will provide the VHRC with a plan for ensuring that any officers who did not receive the training specified in ¶ 3 above will receive training and will keep records consistent with the requirements in ¶3 above as to the training received by such officers. All new recruits will receive this training through the Vermont Police Academy;
- 5) The Human Rights Commission waives and releases the Defendant, its agents, officers, insurers, successors or assigns and Sheriff Bill Bohnyak from any and all claims, suits, or causes of action it now has or has ever

had, including claims, suits or causes of action for compensatory and punitive damages, statutory violations, costs of court, costs of its investigation, determination and for attorney's fees related to *Vermont Human Rights Commission v. Orange County Sheriff's Department and Sheriff Bill Bohnyak*, Docket No. 544-9-13 Wncv and the underlying complaint to the Human Rights Commission.

- 6) Bentley Morgan hereby releases and waives any and all claims, suits or causes of action he has or ever had against the Defendant, their agents officers, insurers, successors or assigns and Sheriff William Bohnyak, including any claim for personal injury, violation of statutory or constitutional rights, costs of court, attorney's fees or any other matter which arose from or was related to the facts alleged in connection with the above matter. Further, Mr. Morgan agrees to defend and indemnify Defendant, its agents, insurers, officers, directors, successors and assigns and Sheriff Bohnyak from any and all subrogated claims or lien claims arising from or related to the above matter.
- 7) The Defendant's insurer shall pay to Bentley Morgan the sum of \$15,000 in exchange for a complete release of any and all claims pursuant to this Agreement. The parties shall stipulate to dismissal of the complaint with prejudice.
- 8) The provisions of this Agreement adequately vindicate the public interest and the agreement is a public document.

9) This agreement may be executed in counterparts, which together shall constitute one agreement. This agreement is fully enforceable with signatures provided by electronic transmission.

COMPLAINANT

B. H. E. Morgan

Nov. 25 - 2013

Date

HUMAN RIGHTS COMMISSION

By Karen

Karen D. Richards, Esq. Executive Director
and Legal Counsel

12/16/13

Date

DEFENDANTS
Orange County Sheriff's Department
Bill Bohnyak, Sheriff

Bill Bohnyak

Bill Bohnyak, Sheriff OCSD

12/16/13

Date

By Scarlett Lynn

Pietro Lynn, Esq.
Scarlett McIlwaine, Esq. Lynn,
Lynn & Blackman
Attorney for the Defendants

12/17/13

Date

STATE OF VERMONT
HUMAN RIGHTS COMMISSION

Bentley Morgan)
Complainant)
v.) CHARGE NO. PA11-0038
Orange County Sheriff's Dept.)
Respondent)

This Post-Litigation Conciliation Agreement is hereby approved and no further action, other than any action necessary to enforce the terms and conditions of the agreement, will be taken by the Human Rights Commission regarding the charge of public accommodation discrimination based on race, color and national origin, HRC Charge No. PA11-0038; Vermont Human Rights Commission v. Orange Co. Sheriff's Dept. and Sheriff Bohnyak, Docket No. 544-9-13 Wncv.

Dated at Barre, Vermont, this 23rd day of January, 2014

By: Mary Marzec Gernior
Mary Marzec Gernior, Chair

absent
Nathan Besio, Commissioner

Mary Brodsky
Mary Brodsky, Commissioner

Mercedes Mack
Mercedes Mack, Commissioner

Donald R. Vickers
Donald Vickers, Commissioner

