

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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CARYN KENNEDY,	)	
	)	
Charging Party,	)	
	)	CASE NO. 9401006139
v.	)	
	)	<b>ORDER OVERRULING EXCEPTIONS</b>
BE TEAM LIMISTED PARTNERSHIP,	)	<b>AND ADOPTING HEARING</b>
A Montana Partnership, d/b/a DOS	)	<b>EXAMINER'S PROPOSED DECISION</b>
AMIGOS, ROBERT RISO, General Partner,	)	<b>ON REMAND AS FINAL ORDER</b>
	)	
Respondent.	)	

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The above-captioned matter came before the Montana Human Rights Commission (Commission) on March 20, 2001. The matter was before the Commission for consideration of Respondent's appeal from Hearing Examiner's Proposed Decision on Remand which issued on September 22, 2000. Oral argument was requested, but withdrawn by the parties. Counsel for the parties did not appear.

After reviewing the record, the Commission concludes that the Hearing Examiner's findings of facts are supported by substantial credible evidence in the record. Here, where there was a transcript, the record was complete and the Commission could have rejected or modified the Hearing Examiner's findings of fact. *24.9.1717(2), ARM*. The Commission evaluated the conclusions of law to determine whether they were correct. *Id.* The Hearing Examiner concluded that Vantresca was an agent, employee and supervisor of cooks at Dos Amigos. Vantresca's knowledge of Charging Party's complaint and of the harassment she endured was imputed to Dos Amigos under Montana law. *Childs v. Evergreen Butte Health and Rehabilitation Center, 9901008859 (8/8/00); Hansen v. Town Pump, 9901008691 (1/14/00)*. The Commission finds that the Hearing Examiner's findings of fact are based on competent, substantial evidence, and that his conclusions of law were based on a proper application of the law. Accordingly, Respondent's exceptions are overruled and the Hearing Examiner's Proposed Decision on Remand is adopted as the Commission's Final Order.

IT IS HEREBY ORDERED, that Respondent's exceptions are overruled and the Hearing Examiner's Proposed Decision on Remand is adopted as the Commission's Final Order.

Dated this \_\_\_ day of March, 2001.

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Gloria "Patt" Etchart, Chair

# Montana Human Rights Commission

**CERTIFICATE OF SERVICE**

The undersigned employee of the Human Rights Bureau certifies that a true copy of the foregoing **ORDER OVERRULING EXCEPTIONS AND ADOPTING HEARING EXAMINER'S PROPESED DECISION ON REMAND AS FINAL ORDER** was served on the following persons by U. S. Mail, postage prepaid on the \_\_\_\_\_ day of March, 2001.

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