

**BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA**

Case No.: 0043011059

LEZA MCKAY,

Charging Party,

-v-

HASTINGS BOOKS & VIDEO,

Respondent

**ORDER AFFIRMING NOTICE
OF DISMISSAL**

On November 1, 2004, the Human Rights Bureau issued a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue in the above-captioned matter. Charging Party, Leza McKay (McKay), filed objections with the Montana Human Rights Commission (Commission). The Commission considered the matter on January 21, 2005.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined a preponderance of the evidence did not support McKay's assertion that Hastings Books & Video unlawfully discriminated because of gender and national origin in the provision of its services.

After careful and due consideration, the Commission concludes the determination of the Human Rights Bureau is supported by the record and there was no abuse of discretion in the issuance of a Notice of Dismissal. *Admin. R. Mont.*

24.9.1714(3).

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. *Mont.*

Code Ann. § 49-2-509(5) (2003); Admin. R. Mont. 24.9.1714(5). If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled. The Commission adopts the determination of the Human Rights Bureau and the Notice of Dismissal is affirmed.

DATED this ____ day of January 2005.

Chair Gary Hindoien
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on January____ 2005.

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Montana Human Rights Bureau