

COLORADO CIVIL RIGHTS DIVISION

EVIDENTIARY INTERVIEW RECORD

- This Interview Record is evidence. It will be scanned into the file and both parties will have access to it.
- Please place this Interview Record on the right side of the physical file.

Case Name:	Price v. Bavarian Inn
Case Number:	D20160048
Staff Interviewer:	Wesley Fry
Person Interviewed:	Desi LaFabre, Witness
Date and Time:	9/23/2016, 2:10 p.m.

1. Ms. LaFabre stated that she did not personally see Randy Thornton harass the CP. She stated that he would ask if female employees were wearing panties and touch them. She stated that the waitresses have uniforms where they can see if they are wearing underwear or not. He would ask this of everyone, everyday. She stated that this was his favorite line, and that it was a running joke amongst employees.
2. Ms. LaFabre stated that during the relevant period of time, herself and Brian Barker were just friends.
3. Ms. LaFabre stated that there was no money, no point to the concierge program. She stated that the CP was out of control, and made it more important than the club.
4. Ms. LaFabre stated that when the concierge service ended, she also lost her job.
5. Ms. LaFabre stated that she did report to the RP that the CP was causing issues for her but not that she was threatened by the CP. She stated that she was offered job security if she complained about the CP.
6. Ms. LaFabre stated that the CP would come into the club with her friends and take up her schedule and not order anything. She would just talk "shit" to her.
7. Ms. LaFabre stated that that Tyler (owners son) and Lindsay (Tyler's wife) called her into the office. Ms. LaFabre stated that she was not intimidated by the CP and did not think that they were going to fight. She stated that Tyler and Lindsay asked her "don't you feel threatened?" "are you sure you don't feel threatened?" "are you sure you feel safe?" Ms. LaFabre stated that she asked where are you going with this. She stated that they responded by stating that "we don't think you are safe." Ms. LaFabre stated that she was coerced into filing a police complaint. She stated that she asked what she gets for filing the report. She stated that she felt intimidated by the RP because Tyler, Lindsay, and two officers were in the room. She stated that she asked to stop being hassled at work. She stated that they agreed to that. She stated that they asked her to file the report and she felt intimidated into filing it.

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Case Name: Price v. Bavaria Inn
Case Number: D20160048
Staff Interviewer: Wesley Fry
Person Interviewed: Brian Barker, former Floor Manager for the RP
Date and Time: 07/28/16

1. Mr. Barker stated that he took over scheduling the waitresses shortly before the CP left.
2. Mr. Barker stated that the CP's schedule was pretty set. He stated that he could not remember what her schedule was. He stated that he was responsible for scheduling 15-25 waitresses. Mr. Barker stated that everyone's schedule changed. He stated that he does not recall taking a shift away from the CP.
3. Mr. Barker stated that there were a lot of problems with the concierge position. He stated that it was eliminated because it did not benefit the business.
4. Mr. Barker stated that Randy Thornton was pretty known for sexual harassment. He stated that he harassed the CP through inappropriate language and touching. He stated that Randy Thornton would ask the CP if she was wearing panties. He stated that these inquiries were inappropriate. He stated that the waitresses and the CP would wear either a skirt or evening dress and that it did not matter what was underneath. He stated that Randy Thornton did this enough that Mr. Barker noticed it. He stated that Randy Thornton would excessively hug the CP. He stated that this behavior of Randy Thornton was a running joke.
5. The CP stated that the RP did not like the CP. He stated that she was causing problems and was getting older. He stated that the decision makers did not specifically mention age.

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Case Name: Price v. Bavaria Inn
Case Number: D20160048
Staff Interviewer: Wesley Fry
Person Interviewed: CP (Jim Abrams, CP's attorney, was on call)
Date and Time: 07/13/16, 2:30 p.m.

1. The CP stated that the schedule was sent through an app called "Whats Up." She stated that a picture was also posted on site.
2. The CP stated that she worked Wednesday, Thursday, and Friday. She stated that she worked this schedule consistently over eight months.
3. The CP stated that her schedule changed about three weeks before she was discharged, the middle of May 2015. She stated that she was told that the concierge position was being eliminated. She stated that she does believe that the position was eliminated after she was discharged.
4. The CP stated that she believes that her schedule was changed because of her issues with Desi. She stated that Desi is in a relationship with Barker, who made her schedule. She stated that Desi said that if the concierge position is eliminated, the CP would quit. The CP stated that Rick Rezik and Jenny Martin can attest to their relationship.
5. The CP stated that Desi started doing the cigar dinners with her. She stated that after her schedule was changed, they were rotated to other individuals. She stated that the cigar dinners should be on the schedules.
6. The CP stated that Poague was a manager during the day. She stated that she did the waitress schedules.
7. The CP stated that on June 4th she met with Hopi about her schedule and the cigar dinners. She stated that Hopi then brought Barker and Desi in to the office. Barker then said that the CP was not to speak to Desi and bash Barker. The CP stated that prior to Barker coming into the meeting, she told Hopi about the comments Thornton would make to her.

8. The CP stated that Alex and Kayla Sutter (RP reached out to her after COD was filed) also quit due to the environment with the RP.
9. The CP stated that in the beginning of June she was told that the RP was getting rid of the concierge position. She stated that she came into work on June 10th to waitress but was fired. She stated that she was asked to waitress two to three times prior but she did not do it because that was not what she was hired for.
10. The CP stated that Thornton was a manager. She stated that she would report to him when he was on duty, but he would get off at 11 pm, prior to the end of her shift, in which he would stay at the club.
11. The CP stated that Thornton would ask the CP if "she was wearing panties" almost every day that she was working. She stated that she reported this to Poague at least twice around May. The CP stated that Barker, Desi, and Kalya would have witnessed Thornton's behavior.

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EVIDENTIARY INTERVIEW RECORD - CHARGING PARTY

(revised 7-21-11)

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Case Name:	Price v. Bavaria Inn Restaurant
Case Number:	TBD
Staff Interviewer:	Wesley Fry
Person Interviewed:	CP
Date and Time:	10/6/15, 1:45 p.m.

1. The CP stated that Brian Barker and Desi Febre were dating. The CP stated that Barker had a history of dating other employees with the Respondent.
2. The CP stated that she complained about the favoritism Barker showed toward Febre in a meeting with Mrs. Mondale and Barker on June 4, 2015.
3. The CP stated that a bartender that currently works with the employer but is planning to leave told her that the Respondent has offered compensation to Febre in order to influence her story.

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Case Name: Price v. Bavaria Inn Restaurant
Case Number: D20160048
Staff Interviewer: Wesley Fry
Person Interviewed: Randy Thornton (with RP's attorney, Barbra Wyngarden on call)
Date and Time: 10/21/16, 2:30 p.m.

1. Mr. Thornton stated that the Floor Manager is responsible for operating the club, from managing the cocktail and bar staff, to the entertainers, accepting deliveries, conducting workshops, dealing with any issues that arise, making sure that stages are open, and dealing with guests.
2. Mr. Thornton stated that he does not know why the CP would say that he asked her everyday if she was wearing panties. He did not recall saying this. He stated that the wait staff are held to the standards of the liquor board and they have to wear two pairs of underwear. He does not recall a specific situation. He stated that it could have come up with one of the guys in the club.
3. Mr. Thornton stated that he does not remember ever grabbing the CP's buttocks.
4. Mr. Thornton stated that he has no idea why people say he is known for sexual harassment. He stated that he has been in the club since 2003 and there was only one allegation against him, that was dismissed.
5. Mr. Thornton stated that, regarding the Charging Party's discharge, there was a lot of dissention between the CP and Desi. He stated that Desi filed a police report, but could not remember if it was before or after the dismal. He stated that some event triggered the discharge. He stated that the CP may become eligible for rehire.
6. He stated that he conducts workshop so that staff can protect themselves in the adult entertainment business.

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Case Name: Price v. Bavaria Inn Restaurant
Case Number: D20160048
Staff Interviewer: Wesley Fry
Person Interviewed: Tyler Mintz (with RP's attorney, Barbra Wyngarden on call)
Date and Time: 10/21/16, 10:00a.m.

1. Mr. Mintz stated that as a Supervisor, his responsibilities were all encompassing. He oversaw closing, shift changes, looking for other things that need to be corrected, valets, parking lots, dress codes, etc.
2. Mr. Mintz stated that Floor Managers are responsible for everyone on the floor, customers, bar tenders, getting liquor, preventing liquor code violations, getting change, etc. He stated that the Floor Managers report to the Supervisor.
3. Mr. Mintz stated that he had heard the perception of Mr. Thornton regarding sexual harassment, but that it was investigated and nothing was validated.
4. Mr. Mintz stated that he was not aware of the CP's allegations regarding Mr. Thornton until the RP received the COD.
5. Mr. Mintz stated that one entertainer said that she felt uncomfortable by Mr. Thornton. This was investigated by the Glendale Police Department and everything was found to be okay. He does not remember the specifics about the allegations.
6. Mr. Mintz stated that the CP was previously discharged and brought back due to sharking. He stated that she was discharged this time because of what he called "mean-girling." He stated that she spoke with Ms. Poague, who told her that if she heard one more thing, she would be terminated. He stated that the RP learned that the CP's behavior continued. This included the CP taking Ms. Lafabre's customers and talking negative to her customers.
7. Mr. Mintz stated that due to the level of harassment going on, he asked Ms. Lafabre if she wanted to file a police report. He stated that he is not a police officer and since it was a serious allegation, he wanted her to decide. He is unsure why the report was not filed until June 27th.

8. Mr. Mintz stated that that he did not offer Desi job security. He stated that she filed that she was uncomfortable working with the CP.

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Case Name: Price v. Bavaria Inn Restaurant
Case Number: D20160048
Staff Interviewer: Wesley Fry
Person Interviewed: Hopi Mondale (with RP's attorney, Barbra Wyngarden on call)
Date and Time: 10/21/16, 10:10 a.m.

1. Ms. Mondale stated that the concierge position was the RP's flagship position to give upper echelon customers VIP service, more personal service, to make sure they have everything they need, for things such as flowers.
2. Ms. Mondale stated that the program phased itself out. The clientele at the club did not support it. Guests went back to the old model of Shotguns.
3. Ms. Mondale stated that she was not aware of the Mr. Thornton's perception regarding sexual harassment.
4. Ms. Mondale stated that management has to make sure that everyone is in uniform. She stated that the waitresses and concierges had to wear black undergarments, two pairs of panties. She stated that they have to keep an eye on this. She stated that panties would not need to be checked if someone in this position was wearing a dress. She stated that some wore a black cocktail dress, which would not require the inquiry about her undergarments.
5. Ms. Mondale stated that she is unaware of other allegations of sexual harassment against Mr. Thornton.
6. Ms. Mondale stated that on June 4th the CP called and said that Barker and Desi were bullying her during her shift and taking her customers.
7. Ms. Mondale stated that that she offered to be a mediator, as she wanted to squash any drama. She stated that she got the CP and Desi together, and Desi stated that she felt that she was being wrongfully accused.
8. Ms. Mondale stated that the CP never reported to her comments made by Mr. Thornton.

9. Ms. Mondale stated that she does not recall the June 8th meeting where it was decided that the CP would be discharged.

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Case Name: Price v. Bavaria Inn Restaurant
Case Number: D20160048
Staff Interviewer: Wesley Fry
Person Interviewed: Michelle Poague (with RP's attorney, Barbra Wyngarden on call)
Date and Time: 10/21/16, 10:20 a.m.

1. Ms. Poague stated that, regarding Mr. Thornton and a perception of sexual harassment, that one of the girls is close friends with Mr. Thornton and his wife. She stated that this girl would tease Mr. Thornton, but this reference did not have anything to do with his actual behavior.
2. Ms. Poague stated that the only other allegation of sexual harassment against Mr. Thornton was included in the position statement.
3. Ms. Poague stated that that if Mr. Thornton was making these statements, she would be surprised because she did not hear about it. With the exception of the example in the position statement, no one came to her. She stated that she is surprised that Heather would make this allegation as she met with her quite a bit. She stated that the CP never reported these comments to her. She stated that the first she heard about them was in the COD.
4. Ms. Poague stated that in early June 2015 the CP complained to her that Brian had changed her schedule. She said that this was due to the change in the concierge program. She stated that she could not provide a day that was not available. She stated that she needed to deal with Brian, as he made her schedule.
5. Ms. Poague stated that she had several meetings with the CP and Desi. She stated that she told them that she wanted their issues to stop or they would be discharged. She stated that she heard rumors of the CP badmouthing Desi the very next day from Alex LNU. She stated that she would just not let up with Desi and that she did not want to be a waitress.
6. Ms. Poague stated that the police report was not the cause of the discharge, just part of the file.

7. Ms. Poague stated that no others were let go due to the cancelling of the concierge program. She stated that others went back to waitresses. She stated one other concierge was discharged but it had to do with a paperwork issue.
8. Ms. Poague stated that the CP's age was not addressed in discussions about terminating the CP.