

**BEFORE THE HUMAN RELATIONS COMMISSION  
FOR THE STATE OF DELAWARE**

MAYRA GARCIA	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. NC-EA-2332-22
	)	
COMFORT INN, et. al.	)	
	)	
Respondents.	)	

**MEMORANDUM DECISION AND ORDER**

Pursuant to due notice of time and place of meeting served on all parties in interest, the above-stated cause came before a Panel of the Delaware State Human Relations Commission (“Panel”) on Thursday, March 3, 2022 to determine whether a violation of the Delaware Equal Accommodations Law (“the DEAL”), codified at 6 *Del. C.* Ch. 45, had occurred.<sup>1</sup>

Specifically, the Panel convened to determine whether Comfort Inn (“Comfort Inn” or “Respondent”) violated 6 *Del. C.* § 4504 as alleged in the Complaint<sup>2</sup> filed by Mayra Garcia (“Ms. Garcia” or “Complainant”). Ms. Garcia alleged Respondent discriminated against her on the bases of race/color and national origin. Immediately after the hearing, the panel conducted its deliberations.

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<sup>1</sup> Per Ms. Garcia’s request, a Spanish interpreter, duly sworn to translate Spanish to English and English to Spanish, assisted Ms. Garcia during the hearing.

<sup>2</sup> As will be discussed below, Ms. Garcia’s Complaint encompasses the “Intake Questionnaire” and “Complaint Form” as they collectively comprise her Complaint.

**PRESENT:**

Calvin Christopher, *Commissioner and Panel Chairperson*  
Chok-Fun Chui, *Commissioner and Panel Member*  
Whittona Burrell, *Commissioner and Panel Member*  
Kemba S. Lydia-Moore, Deputy Attorney General, *Counsel for the  
Commission and Panel*

**APPEARANCES:**

Mayra Garcia, *Complainant, pro se*  
Donald Isken, *Respondent/Co-Owner of Comfort Inn, pro se*<sup>3</sup>

**SUMMARY OF THE COMPLAINT**

In her Complaint, Ms. Garcia alleged that she was refused, withheld, or denied accommodations, facilities, advantages, or privileges of a place of public accommodation because of her race/color and national origin.

Ms. Garcia contends that on April 13, 2021, she attempted to rent a room at Comfort Inn, located in Newark, DE, but the front desk clerk stated she could not rent a room because she is a Delaware resident, and the hotel was not renting rooms to Delaware residents due to the COVID-19 pandemic. Ms. Garcia further contends that later the same day, her daughter called Comfort Inn and was informed there was no policy precluding rental to Delaware residents.

According to Ms. Garcia, she was able to rent a room at Holiday Inn,<sup>4</sup> which

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<sup>3</sup> Mr. Isken identified himself as co-owner, along with his sister and brother, of Concord Towers, Inc. which is the company that owns Comfort Inn and Holiday Inn, located on Concord Lane in Newark, DE, and Homewood Suites, located on Route 202 in Wilmington, DE.

<sup>4</sup> In her Complaint, Ms. Garcia identified "Hilton Hotel" as the hotel from which she was able to rent a room, but Ms. Garcia testified that was an error and it was actually Holiday Inn.

is next to Comfort Inn, notwithstanding her Delaware residency.

### **PRE-HEARING MATTERS**

Respondent made a Motion to Dismiss (“Motion”) wherein Respondent requested dismissal of Ms. Garcia’s Complaint because it was filed untimely and because Respondent was prejudiced by late notification of the Complaint.

In support of its Motion, Respondent noted that Ms. Garcia’s Complaint,<sup>5</sup> dated September 23, 2021, alleged that Respondent discriminated against her on April 13, 2021. Respondent argued that Ms. Garcia’s failure to file the Complaint with the Delaware Division of Human Relations (“Division”) within 90 days after the alleged discriminatory occurrence, as required by 6 *Del. C.* § 4508(b)<sup>6</sup>, warrants dismissal of the Complaint. Respondent also noted that it was served the Complaint on or about November 3, 2021, which was prejudicial to Respondent due to the significant period of time between the alleged discriminatory occurrence and Respondent being put on notice of the allegation.

Ms. Garcia responded that she filed a Complaint with the Division. Ms. Garcia said she called the Division about the alleged discriminatory incident, completed a questionnaire, and then returned the questionnaire to the Division by express mail.

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<sup>5</sup> See Panel Exhibit 2. The Panel notes that this was the only document that was served upon Respondent but as discussed herein there are two documents that comprise the Complaint filed by Ms. Garcia.

<sup>6</sup> “No complaint shall be filed with the Division more than 90 days after the occurrence of the alleged discriminatory public accommodation practice.” 6 *Del. C.* § 4508(b).

The Panel did not immediately rule on the Motion and informed the parties it would hold the Motion in abeyance for consideration during deliberations.

Consistent with standard practice, prior to the hearing, Panel Chairperson Calvin Christopher read Ms. Garcia's Complaint into the record. Commissioner Christopher read two separate documents that collectively comprise the Complaint. Commissioner Christopher first read a document entitled "Division of Human Relations Equal Accommodations Intake Questionnaire" ("Intake Questionnaire")<sup>7</sup> and then read a document entitled "State of Delaware Human Relations Commission Complaint Form" ("Complaint Form").<sup>8</sup> The Panel notes that both documents contain substantially the same content. These documents are relevant for purposes of addressing Respondent's Motion.

The Panel is aware that Ms. Garcia called the Division on or about April 16, 2021 regarding the alleged discriminatory occurrence and in response the Division forwarded Ms. Garcia an Intake Questionnaire. The Panel is aware that Ms. Garcia completed and returned the Intake Questionnaire as instructed, which was received by the Division on April 27, 2021.<sup>9</sup> The Panel is aware that in September 2021, a Division employee utilized information from the Intake Questionnaire to complete the Complaint Form and the "filing date" section was auto filled with that date. Likewise, Ms. Garcia's electronic signature appearing on the Complaint Form was

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<sup>7</sup> Panel Exhibit 1.

<sup>8</sup> Panel Exhibit 2.

<sup>9</sup> Panel Exhibit 1.

auto filled with the date she signed the document.

Given that Ms. Garcia completed and filed the Intake Questionnaire with the Division 14 days after the alleged discriminatory occurrence, this Panel finds that she complied with 6 *Del. C.* § 4508(b). This Panel finds that the date indicated on the Complaint Form was an error and it should have reflected a date of April 27, 2021. While there was a significant delay in notifying Respondent of Ms. Garcia's Complaint, this Panel finds that the delay was not prejudicial. Although Respondent noted during closing arguments that there was one witness who was unavailable because he had moved out of state, the absence of that witness did not preclude Respondent from providing a defense to Ms. Garcia's Complaint.

Respondent's Motion to Dismiss is DENIED.

### **OPENING STATEMENTS**

Both parties made opening statements which are part of the record but are not summarized here because such statements are not evidence to be considered by the Panel during deliberations.

### **SUMMARY OF THE EVIDENCE**

#### **A. Complainant's Case**

##### **1. Complainant Mayra Garcia**

Ms. Garcia, duly sworn, testified that on April 13, 2021, she went to Comfort Inn, contacted the front desk clerk, and inquired if there were rooms available for rent. In response, the clerk requested her credit card and driver's

license, which she produced. Ms. Garcia testified that she conversed with her partner while the clerk appeared to be trying to determine if a room was available. According to Ms. Garcia, the clerk then informed her she could not rent a room due to a restriction imposed in response to the COVID-19 pandemic. Ms. Garcia testified she did not see any signage providing notice of said restriction. Ms. Garcia said she was in shock and almost crying because she was not permitted to rent a room, and her partner suggested they go to another hotel.

Ms. Garcia said she and her partner went to Holiday Inn,<sup>10</sup> located next to Comfort Inn, and inquired if there were rooms available for rent. They were permitted to rent a room at Holiday Inn. Ms. Garcia testified that after renting the room she and her partner went to Ms. Garcia's daughter's home where Ms. Garcia shared what had just occurred. Ms. Garcia said she shared her belief that Comfort Inn had discriminated against her because she was able to rent a room at Holiday Inn without issue. Ms. Garcia testified her daughter then found a telephone number for Comfort Inn and called to inquire about the purported restriction imposed in response to the COVID-19 pandemic. According to Ms. Garcia, her daughter asked if there is a restriction on renting rooms to Delaware residents and the man who received the call said "no."

Ms. Garcia testified she and her partner then went to other places, including

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<sup>10</sup> Ms. Garcia testified that she erroneously identified this hotel as "Hilton Hotel" in her Complaint.

a casino, stores, and hotels, to determine if there were COVID-19 related restrictions for Delaware residents. According to Ms. Garcia there were no restrictions, but their temperatures were taken prior to entry at the casino.

During cross examination, Ms. Garcia confirmed she provided her driver's license to the front desk clerk at Comfort Inn and that the address appearing on her driver's license is 260 Christiana Road, Newark, DE. Ms. Garcia also confirmed she provided the same driver's license to the front desk clerk at Holiday Inn. Ms. Garcia testified she is not familiar with Middle River, Maryland and her partner has a Delaware issued driver's license. Ms. Garcia testified the staff at Holiday Inn were nice, accommodating, and very kind. Ms. Garcia testified that unless there was a law preventing her from renting a room at Comfort Inn she was discriminated against at that location.

In response to Panel questions, Ms. Garcia stated she can speak and write the English language; she graduated from New York University as a health counselor; and because of her accent, she requested an interpreter to assist during this hearing. Ms. Garcia testified she does have the Holiday Inn receipt<sup>11</sup> and the casino she visited was Delaware Park Casino.

## **2. Stephanie Carbelo<sup>12</sup>**

Ms. Carbelo, duly sworn, testified that Ms. Garcia came to her home after

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<sup>11</sup> Although Ms. Garcia said she has the receipt, she did not produce it during the hearing.

<sup>12</sup> Ms. Carbelo was not physically present during the hearing and was permitted to testify by telephone.

she was unable to rent a hotel room. During her testimony, Ms. Carbelo referred to Ms. Garcia as “Ma.” Ms. Carbelo testified when she learned that Ms. Garcia was not permitted to rent a room, Ms. Carbelo found a telephone number for the hotel and called to inquire. Ms. Carbelo could not recall the name of the hotel but did remember calling to inquire if the hotel was receiving people. According to Ms. Carbelo, the person she spoke with said “yes, we are accepting people.”

During cross examination, Ms. Carbelo testified that Ms. Garcia said she was denied a room at a hotel. Ms. Carbelo testified that she searched google.com to find a telephone number for the hotel. Ms. Carbelo confirmed that when she called the hotel she was informed “we are accepting people.” Ms. Carbelo testified that the telephone number she dialed must be the one included in the Complaint.<sup>13</sup>

## **B. Respondents’ Case**

### **1. Ran Hudson**

Mr. Hudson, duly sworn, testified that he has been employed with Comfort Inn as a front desk clerk for five or more years and that he was working on April 13, 2021 at 3:30 p.m. However, Mr. Hudson stated he did not have a specific memory of Ms. Garcia coming to Comfort Inn. Mr. Hudson testified that, during the relevant period of time, he had been informed by hotel management of a

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<sup>13</sup> Given that Respondent was only served with a copy of the Complaint Form (See Panel Exhibit 2), it seems that is the document to which Mr. Isken referred when eliciting this testimony from Ms. Carbelo. However, it is unclear if Ms. Carbelo was familiar with the Complaint Form at the time of her testimony and she testified that she did not know the telephone number that she dialed. As such, it is unclear what telephone number Ms. Carbelo dialed.



restriction on “leisure travel guests.” Mr. Hudson stated there were posted signs at the front desk with notification of the restriction, which was implemented prior to April 13, 2021. Mr. Hudson testified that because of this restriction he had prohibited Delaware residents from renting rooms, and he explained the restriction to them at the time of the prohibition. When asked about the procedure he followed during the times that Delaware residents attempted to rent rooms, Mr. Hudson stated once he reviewed a driver’s license and determined that the customer was a Delaware resident, he informed the customer of the restriction. Mr. Hudson testified that the Delaware residents seeking to rent rooms were of different genders and ethnicities; refusal to rent was not based on race, ethnicity, or gender; he has no animosity towards members of the Latina/Hispanic ethnic group nor any animosity towards any particular race, creed, or color. Mr. Hudson further explained that he once dated a Mexican woman.

During cross examination, Mr. Hudson testified that the policy was not available for distribution but there was a printed copy located at the front desk. Mr. Hudson testified that upon learning of a customer’s Delaware residency, he returned the driver’s license, explained that he could not rent a room because the customer is a Delaware resident engaging in leisure travel, and pointed to the sign that was located at the front desk containing notification of the restriction. Mr. Hudson testified he would have used the computer only if it was permissible for a customer to rent a room.

In response to Panel questions, Mr. Hudson explained that when the COVID-19 related restriction was in place, his usual procedure when a Delaware resident sought to rent a room was as follows: when customers approached the desk he greeted them, the customer asked about renting a room and he inquired about the length of stay and number of occupants, he provided the rate and requested a driver's license and credit card, if the driver's license contained a Delaware address he handed the items back to the customer, he explained that the customer could not rent a room due to the restriction, and he pointed to the sign containing notification of the restriction. But if the customer had lost their home due to fire or had experienced domestic abuse, an exception was made to allow the customer to rent a room.

Mr. Hudson testified he only speaks English and would have explained the policy as best he could in English. Mr. Hudson testified that the sign containing the policy was in a clear, plexiglass display, vertically angled and facing out towards the lobby, and posted in front of the computer at the desk where customers check in. Mr. Hudson is unsure if the policy was required by law on April 13, 2021, but believes it was created in conjunction with the law as an added protection for hotel employees and guests.

While Mr. Hudson was unable to recall this specific incident, he testified that he would not have reached for the computer to input information since he was not permitted to rent Ms. Garcia a room. Instead, he would have returned her

driver's license and credit card. Mr. Hudson testified that if he needs to use the computer it is within reach, and he does not need to walk away to access it. Mr. Hudson testified it is not feasible that he did not follow this procedure.

## **2. Jesus Omar Hernandez**

Jesus Hernandez, duly sworn, testified that he is employed as the front office manager at Comfort Inn, and he held that position on April 13, 2021, but he is unsure if he was working on that day. Mr. Hernandez explained that he supervises the front desk staff, and it is his responsibility to instruct the staff about practices and procedures for checking in guests. Mr. Hernandez testified that on April 13, 2021, in the absence of extenuating circumstances, it was a Comfort Inn policy to prohibit room rentals to Delaware residents. Mr. Hernandez testified that this policy/restriction was applied equally.

Mr. Hernandez testified that the telephone number that is identified in the Complaint<sup>14</sup> for Comfort Inn is incorrect. During his testimony, Mr. Hernandez dialed the telephone number (i.e., 302-722-4521)<sup>15</sup> and received the following message: "the number you have dialed is (unintelligible) thank you for calling good-bye." Mr. Hernandez testified that the telephone number to reach Comfort Inn's front desk is 302-737-3900.

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<sup>14</sup> Given that Respondent was only served with a copy of the Complaint Form (*See* Panel Exhibit 2), it seems that is the document to which Mr. Isken referred when eliciting this testimony from Mr. Hernandez.

<sup>15</sup> *See* Panel Exhibit 2, page 2.

During cross examination, Mr. Hernandez testified the number that he dialed during the hearing is not in service and the other number<sup>16</sup> is to a third-party agency that works with Comfort Inn reservations.

In response to Panel questions, Mr. Hernandez said he works for both Comfort Inn and Holiday Inn as the front office manager. He said he learned about Ms. Garcia's complaint from the General Manager, and he has no recollection of the incident. Mr. Hernandez testified that if a customer becomes irate, staff will notify him and if he is not at the hotel, he may go to the hotel to address the issue.

### **3. Mayra Garcia**

Mayra Garcia, still under oath, testified that she understands English, and she did not misunderstand the front desk clerk at Comfort Inn. Ms. Garcia testified that being denied a room due to her Delaware residency is not the reason she has alleged that Comfort Inn was discriminatory. Ms. Garcia said, "to me there were other things...As an American citizen, because I am an American citizen, I have the right like an American for my civil and my human rights like anybody else to go and come whenever I want and where I want." Ms. Garcia testified she had no objection to the various restrictions that were imposed to prevent the spread of COVID-19. Ms. Garcia testified she filed the Complaint against Comfort Inn to suggest that the employees receive training in the area of direct and indirect

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<sup>16</sup> Mr. Hernandez did not specify what "other number" he was referring to, but based upon a review of the Complaint Form, it seems that the "other number" is 302-722-4581. *See* Panel Exhibit 2, page 1.

discrimination. Ms. Garcia stated she later requested \$80,000 in damages for the discrimination she experienced.

#### **4. Donald Isken**

Donald Isken, duly sworn, presented Respondent's proposed Exhibit 1, which he described as documentation of Ms. Garcia's Holiday Inn reservation. Mr. Isken noted that the reservation occurred on April 13, 2021 at 4:03 p.m. which was approximately 20 minutes after Ms. Garcia said she was at Comfort Inn. Mr. Isken also noted that Ms. Garcia's address was documented as Middle River, Maryland and she was rented a room after providing that address.

In response to panel questions about Respondent's proposed Exhibit 1, Ms. Isken testified that the information contained in the document was provided by either Ms. Garcia or her partner as they were the two people present during check in at Holiday Inn. Mr. Isken explained that the front desk clerk input information from a provided identification. Mr. Isken testified it is impossible that Respondent's proposed Exhibit 1 was created at a later date and noted that Ms. Garcia signed it.

Mr. Isken presented Respondent's proposed Exhibit 2, which he noted is a census showing the ethnic make-up of Concord Towers, Inc.<sup>17</sup> employees.

Mr. Isken presented Respondent's proposed Exhibit 3, which he identified as the Tenth Modification of the Governor's Declaration of the State of Emergency.

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<sup>17</sup> See Footnote 2.

When Ms. Garcia was afforded an opportunity to cross examine Mr. Isken, she did not ask questions but instead testified in response to his testimony. The Panel will consider this testimony as part of Ms. Garcia's rebuttal testimony (see additional rebuttal testimony below). Ms. Garcia testified she provided her Delaware issued driver's license to the front desk clerk and although she signed the Holiday Inn document, she did not realize it contained an incorrect address. Ms. Garcia admitted she did not review the paperwork before signing it because she was upset about what happened at Comfort Inn. Ms. Garcia stated it is uncomfortable knowing that the wrong information is associated with her name and the Holiday Inn employees need training to address this issue.

The Panel admitted Respondent Exhibits 1, 2, and 3 into evidence. Ms. Garcia did not object to their admission.

### **C. Complainant's Rebuttal**

#### **1. Mayra Garcia (also see above)**

Ms. Garcia, still under oath, testified that if there was any confusion about her address it was Holiday Inn that was confused. Ms. Garcia testified she and her partner were together during check in at Holiday Inn and the staff treated them nicely. Ms. Garcia testified she paid Holiday Inn with a credit card, and during the hearing she produced the credit card. Commissioner Chok-Fun Chui visually compared the produced credit card to Respondent Exhibit 1 and confirmed that the documented information matched the information contained on the credit card.

#### **D. Complainant's Closing Arguments**

In closing, Ms. Garcia stated Comfort Inn and Holiday Inn need better training in customer service. Ms. Garcia said she felt discriminated against, "either directly or indirectly."

#### **E. Respondent's Closing Arguments**

In closing, Mr. Isken argued that Ms. Garcia's contention that Comfort Inn discriminated against her on the basis of where she lives (i.e., in the State of Delaware) is not within the purview of the DEAL given that one's address is not a protected class. Mr. Isken stated that the Governor determined there was a need to keep leisure travel to a minimum and Comfort Inn's policy/restriction was in accord. Mr. Isken argued there is no evidence that Ms. Garcia was denied a room because of who she is and the policy that Comfort Inn implemented had nothing to do with denying customers on the basis of their ethnicity.

Mr. Isken stated Ms. Garcia was able to rent a room at Holiday Inn, Comfort Inn's sister hotel, because the front desk clerk, for whatever reason, believed Ms. Garcia had a connection to the state of Maryland. Mr. Isken admitted it is unclear how the clerk reached that conclusion, and stated the clerk is unavailable to testify because he moved out of state.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Ms. Garcia alleges Respondent violated the DEAL and denied her access to public accommodation because of her race/color and national origin. Section

4504(a)(1) of the DEAL provides that “no person being the owner...manager...agent or employee of any place of public accommodation, shall directly or indirectly refuse, withhold from or deny to any person, on account of race, age, marital status, creed, color, sex, disability, sexual orientation, gender identity, or national origin, any of the accommodations, facilities, advantages, or privileges thereof.”

The provisions of the DEAL are to be “liberally construed” to safeguard the rights set forth therein.<sup>18</sup> “The ultimate purpose [of the DEAL] is to eliminate the inconvenience, unfairness, and humiliation of...discrimination.”<sup>19</sup>

Under Delaware law, claims alleging a direct or indirect refusal or denial of public accommodations based upon unlawful discrimination are decided using the guidance of the U.S. Supreme Court’s three-part analysis in *McDonnell Douglas Corp. v. Green*.<sup>20,21</sup> This analysis requires the following steps:

- (1) The Complainant must establish a *prima facie* case of discrimination.
- (2) Once a *prima facie* case is established, the burden shifts to the respondent to present evidence of a legitimate, non-discriminatory reason for denying plaintiff access.
- (3) After this production of evidence, the complainant retains the burden of persuading by a preponderance of the evidence that the

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<sup>18</sup> 6 Del. C. § 4501.

<sup>19</sup> *Uncle Willie’s Deli v. Whittington*, 1998 WL 960709 at \*4 (Del. Super.) (citations and internal quotations omitted).

<sup>20</sup> 411 U.S. 792 (1973).

<sup>21</sup> See, e.g., *DP, Inc. v. Harris*, 2000 WL 1211151 at \*6 (Del. Super.) (“Delaware Courts have applied the standard articulated in *McDonnell Douglas Corporation v. Green* for cases alleging unlawful discrimination.”) (citations omitted); *Uncle Willie’s*, 1998 WL 960709, at \*4 (applying the *McDonnell Douglas* analysis to a case brought under the DEAL).



respondent's proffered reason was a pretext for discrimination.<sup>22</sup>

Here, to meet the initial burden of going forward and establishing a *prima facie* case of discrimination, Ms. Garcia must show: (a) that she is a member of a protected class; (b) that she was denied access to public accommodation; and (c) that non-members of the protected class(es) were treated more favorably. Further, because Equal Accommodations hearings before the SHRC are subject to the provisions of Delaware's Administrative Procedures Act (APA),<sup>23</sup> "the burden of proof shall always be upon the applicant or proponent."<sup>24</sup>

The first question for the Panel to decide is whether Ms. Garcia is a member of a protected class. This Panel finds that Ms. Garcia is a member of the race/color and national origin protected classes. It should be noted that Ms. Garcia did not explicitly testify about her race/color or national origin. But based upon Ms. Garcia's testimony that English is her second language, Ms. Garcia's testimony that she felt the need to have a Spanish interpreter because of her accent, and the Panel's observations of Ms. Garcia, the Panel deduced that Ms. Garcia is of Latina and/or Hispanic descent.

The next question for the Panel to decide is whether Ms. Garcia was denied access to public accommodation. As a hotel that provides services to the general public, Comfort Inn is a place of public accommodation which is defined as

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<sup>22</sup> *Salty Sam's Pier 13 v. Washam*, 2000 WL 1211227, at \*2 (Del. Super.) (citations omitted).

<sup>23</sup> 29 Del. C. Ch. 101.

<sup>24</sup> 29 Del. C. § 10125(c).

“...any establishment which caters to or offers goods or services or facilities to, or solicits patronage from, the general public....”<sup>25</sup> The Panel finds that Comfort Inn did deny services to Ms. Garcia when the front desk clerk refused to rent her a room on April 13, 2021.

The final question for purposes of establishing a *prima facie* case is whether non-members of Ms. Garcia’s protected classes were treated more favorably than her. This element can be proven if Ms. Garcia “...can show either that [she] was deprived of services while similarly situated persons outside [her] protected class[es] were not or that [she] received services in a markedly hostile manner.”<sup>26</sup> Ms. Garcia did not present any evidence that non-members of the protected classes were treated more favorably and given that Comfort Inn outright denied her access to public accommodation the Panel does not need to consider if she was provided services in a markedly hostile manner. Ms. Garcia’s failure to provide evidence in support of this element precludes her from establishing a *prima facie* case of discrimination and therefore she cannot prevail on her Complaint.

Although the Panel’s determination that Ms. Garcia has not established a *prima facie* case obviates the need for further review of the evidence, the Panel notes that the evidence supports a finding that Ms. Garcia was not permitted to rent a room at Comfort Inn because she was a Delaware resident. It is clear that Ms.

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<sup>25</sup> 6 Del. C. § 4502(14).

<sup>26</sup> *Witcher v. Breeding*, 2012 WL 3518079, \*3 (Del. Super.) (citations omitted).

Garcia produced a Delaware issued driver's license at Comfort Inn and in turn was prohibited from renting a room. It is also clear that Ms. Garcia was able to rent a room at Holiday Inn, which is owned by the same company and has the same front office manager as Comfort Inn, based on her purported Maryland residency.<sup>27</sup>

While there is dispute as to how or why the Holiday Inn reservation identified Middle River, Maryland as Ms. Garcia's residence, the Holiday Inn documentation is dispositive of why Ms. Garcia was able to rent a room at Holiday Inn but not Comfort Inn.

### CONCLUSION

After careful consideration of the evidence presented, the Panel, by unanimous vote, concludes that Ms. Garcia has failed to establish a *prima facie* case of discrimination and therefore Ms. Garcia failed to prove that Respondents violated the DEAL.

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<sup>27</sup> See Respondent Exhibit 1.

**ORDER**

Pursuant to 6 *Del. C.* § 4508(g), the Complaint against Respondents is

**DISMISSED.**

**IS SO ORDERED** this 11<sup>th</sup> day of April, 2022.

*Calvin H Christopher*

Calvin H Christopher (Apr 7, 2022 12:14 EDT)

*Calvin Christopher, Commissioner and Panel Chair*

*Chok-Fun Chui*

Chok-Fun Chui (Apr 7, 2022 15:49 EDT)

*Chok-Fun Chui, Commissioner and Panel Member*

*W. R. Burrell*

W. R. Burrell (Apr 11, 2022 14:10 EDT)

*Whittona Burrell, Commissioner and Panel Member*